

Law No. 05/L-032

ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-199 ON COURTS

Assembly of Republic of Kosovo;

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

Approves

LAW ON AMENDING AND SUPPLEMENTING THE LAW NO.03/L-199 ON COURTS

Article 1

Article 2 of the basic Law, paragraph 1., sub-paragraph 1.6., after the word "Department" is deleted the word "General".

Article 2

Article 6 of the basic Law, after paragraph 2., a new paragraph 3. is added, with the following text:

3. Courts shall publish the final judgments in their official website, in a time limit of sixty (60) days from the day the decision becomes final, in accordance with the legislation in force and rules of the Kosovo Judicial Council (hereinafter: the Council), and by ensuring the protection of personal data.

Article 3

Article 10 of the basic Law, paragraph 2, after sub-paragraph 2.4, new paragraphs 2.5., 2.6., and 2.7. are added with the following text:

2.5. branch in Fushë Kosova for the Municipality of Fushe Kosova and Obiliq;

2.6. branch in Junik for the Municipality of Junik;

2.7. branch in Shtime for municipality of Shtime.

Article 4

Article 13 of the basic law, after paragraph 2. a new paragraph 3. is added with the following text:

3. Within the Department for Commercial Matters of the Basic Court in Prishtina, functions

a Division for disputes involving foreign investors, with jurisdiction throughout the territory of Kosovo.

Article 5

Article 15 of the basic Law, paragraph 1., sub-paragraph 1.21. shall be reworded with the following text:

1.21. any other crime punishable over ten (10) years, as provided by Law.

Article 6

Article 19 of the basic Law, paragraph 2. of this Article is deleted from the text of the law.

Article 7

Article 24 of the basic Law is deleted from the text of the law.

Article 8

Article 26 of the basic Law is reworded with the following text:

Article 26

Conditions for appointment of Judges

1. Candidates for appointment as a judge under Article 104 and Article 108 of the Constitution of the Republic of Kosovo shall meet the general conditions as follows:

- 1.1. be a citizen of the Republic of Kosovo;
- 1.2. have a Law degree valid in Kosovo;
- 1.3. have passed the bar examination accredited according to the applicable law in Kosovo;
- 1.4. have high professional reputation and personal integrity;
- 1.5. not have been convicted of a criminal offense;
- 1.6. have at least three (3) years of experience in the legal field; and
- 1.7. have passed the exam for Judge, in accordance with the terms and procedures set by a special regulation adopted by the Council.

2. For the purpose of this Article, experience in the legal field shall include experience on legal matters in national and international institutions and organizations, experience as a notary and as a private enforcement agent.

Article 9

Article 27 of the basic Law is reworded with the following text:

Article 27 Requirements for judges

1. Following the appointment by the President of Kosovo, these judges, except the ones that have experience as judges, shall undergo initial training which will be organized by the Kosovo Judicial Institute. The initial training shall last twelve (12) months in accordance with respective legislation in force.

2. During the initial training period judges will not be assigned to cases.

3. Appointed Judges will be evaluated following the results of the initial training in accordance with the relevant provisions of this law. The period of initial training shall be extended for those judges who fail to complete the initial training, as provided by the Kosovo Judicial Council.

4. In addition to the minimum qualifications, all candidates for appointment as judges, in order to be appointed or promoted in the courts should have the following qualifications:

4.1. to serve as a judge in the Serious Crimes Department or for Juveniles within the Basic Court, the candidate should have at least three (3) years of experience as a judge in the criminal field or as prosecutor;

4.2. to serve as a judge in the Department for Administrative Matters or Department for Commercial Matter in the Basic Court, the judge should have at least six (6) years of experience in the legal field, including administrative and commercial matters experience;

4.3. to serve as a judge in the Court of Appeal, the judge should have at least five (5) years of experience as judge.

4.4. to serve as a judge in the Supreme Court, the judge must have at least eight (8) years of experience as judge.

Article 10

After Article 28 of the basic Law, a new Article 28/A is added with the following text:

Article 28/A End of mandate

1. The judge`s mandate ends upon:

1.1. resignation;

- 1.2. dismissal;
- 1.3. death;
- 1.4. retirement;
- 1.5. if not reappointed with permanent mandate.

Article 11

1. Article 29 of the basic Law, paragraph 1.1, after the wording "a salary" is deleted the wording "equivalent with that of" and is replaced with the wording "not less than that of"

2. In Article 29 of the basic Law, paragraph 1.2, is reworded with the following text:

1.2. The judge of the Supreme Court shall receive a salary in the scale of ninety percent (90%) of the salary of the President of the Supreme Court.

3. Article 29 of the basic Law, paragraph 3, is reworded with the following text:

3. Judges are entitled to annual leave and other rights in accordance with the Law on Labour.

Article 12

1. Article 32 of the basic Law is reworded with the following text:

Article 32

Professional Activities

1. Upon approval by the Council, judges have the right to take part in professional organizations, scientific meetings, which promote independence and protection of judges professional interests.

2. Judges, during the overtime, by decision of the Council may engage in activities which are in accordance with the Code of Ethics and Professional Conduct of Judges., such as participation in scientific meetings, lectures or training and participation in the preparation of various legal projects. Judges may receive compensation for such activities in accordance with law in force.

3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Judges, judges may engage in professional and scientific publications but shall not publish relevant content of judicial case files during or after the end of mandate serving as judge, unless expressly permitted by law or other bylaws issued by the Council.

4. Judges who receive remuneration for participation in activities cannot exceed the amount of twenty five percent (25%) of the basic salary. For participation in activities envisioned by this Article shall disclose such remuneration to the Kosovo Judicial Council.

Article 13

1. The title of Article 33 of the basic Law is amended with the following text:

Professional associates, interns, translators, interpreters and court experts.

2. Article 33 of the basic Law after paragraph 1 is added new paragraph 2. as follows:

2. The council, through a special regulation, shall determine the appointment procedures, conditions, rights and obligations for translators, interpreters and judicial experts, and the amount of remuneration for their work.

Article 14

After Article 42 of the basic law a new Article 42/A is added with the following text:

Article 42/A

Transitional Provisions

The status of the administrative staff shall be subject of the civil service principles and shall be regulated by a separate law.

Article 15

Entry into force

This law shall enter into force fifteen (15) days following the publication in the Official Gazette of the Republic of Kosovo.

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28 May 2015

Promulgated by Decree No.DL-013-2015, dated 15.06.2015, President of the Republic of Kosovo Atifete Jahjaga.