

**LAW NO. 08/L -102**

**ON AMENDING AND SUPPLEMENTING THE LAW No. 04/L-139 ON ENFORCEMENT PROCEDURE, AMENDED AND SUPPLEMENTED BY THE LAW No. 05/L-118**

**Assembly of the Republic of Kosovo;**

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

Adopts:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 04/L-139 ON ENFORCEMENT PROCEDURE, AMENDED AND SUPPLEMENTED BY THE LAW NO. 05/L-118**

**Article 1  
Purpose**

The purpose of this Law is to amend and supplement the Law No. 04/L-139 on Enforcement Procedure, amended and supplemented by the Law No. 05/L-118 (hereinafter: basic Law).

**Article 2**

Article 2 of the basic Law, paragraph 1, after sub-paragraph 1.20, a new sub-paragraph shall be added with the following text:

1.21. Public Institutions - within the meaning of this Law shall mean the Office of the Prime Minister, ministries and executive agencies within them, independent agencies, regulatory agencies, inspectorates, publicly-owned enterprises at central and local level, municipalities, as well as authorities exercising judicial and prosecutorial powers or other public institutions defined by Law.

**Article 3**

1. Article 5 of the basic Law, paragraph 6, sub-paragraph 6.2, the words “and other compensations” shall be deleted.

2. Article 5 of the basic Law, after paragraph 6 there shall be added a new paragraph 7 as follows:

7. The private enforcement agent is competent to decide on the enforcement procedure and application of enforcement of court decisions, regarding the competences from the employment relationship.

**Article 4**

Article 111 of basic Law, after paragraph 2, a new paragraph shall be added as follows:

3. Revenues from emergency packages or specific measures approved by the Government for extraordinary or emergency circumstances, such as pandemics or natural disasters, cannot become object of enforcement.

### **Article 5**

1. Article 112 of basic Law, paragraph 1 shall be reworded as follows:

1. Enforcement against personal incomes and on reward instead of salary may be assigned and applied up to the half of their amount. The amount to be sequestrated shall be limited in the part that exceeds the amount of the highest social assistance.

2. Article 112 of basic Law, after paragraph 1, a new paragraph shall be added as follows:

1a. Enforcement in pension income can be assigned and applied to the extent that it exceeds the amount of the height of the minimum salary.

3. Article 112 of basic Law, paragraph 3 after the phrase “temporary unemployment”, there shall be deleted the words “incomes based on children’s allowances”.

### **Article 6**

Article 18 of the basic Law, paragraph 2, sub-paragraph 3a shall be deleted.

### **Article 7**

Article 22 of the basic Law, after paragraph 3, there shall be added a new sub-paragraph 3a with the following text:

3a. In cases when the value of the real estate is higher than the creditor’s claim, including the procedural expenses, then the creditor shall be obliged, within thirty (30) days, to return to the debtor the difference between the amount of obligation and one third (1/3) of the real estate value.

### **Article 8**

Article 247 of the basic Law, paragraph 2 shall be deleted.

### **Article 9**

1. Article 323 of basic Law, after paragraph 4, new paragraphs 4a and 4b shall be added with the following text:

4a.1. Enforcement cases for which the public institution is a creditor shall be sent to the Chamber.

4a.2. Enforcement case from sub-paragraph 4a.1. includes enforcement proposal and the enforcement document or reliable document.

4a.3. The Chamber will make an equal distribution of cases received from public institutions to the private enforcement agents:

4a.3.1. by order of receipt;

4a.3.2. according to the alphabetical order of the registration of private enforcement agents in the respective register within the territory of the Basic Court for which the private enforcement agent has been appointed and in which the debtor has its seat or residence.

4a.4. The Chamber shall notify the private enforcement agent to whom the enforcement

case has been assigned according to paragraph 4a.2. and sends invitation for its receipt within (3) days from the day of receipt of the case.

4a.5. After receiving the enforcement case from the Chamber, the private enforcement agent immediately notifies the creditor and the communication regarding the enforcement procedure for the respective case continues between the enforcement body and the parties.

4a.6. The enforcement cases received in the Chamber are recorded by order of receipt in the relevant register of the Chamber and in each case an electronic stamp is placed upon receipt. A proof of receipt of the enforcement case is submitted to the public institution upon submission.

4a.7. The chamber shall, on annual basis, deliver a report, in writing, to the Ministry of Justice regarding the implementation of this Article.

4.b. Public institutions, when submitting enforcement cases to the Chamber, pay a fee for services related to the distribution of cases to the Chamber, which is determined by the relevant sub-legal act on fees and reimbursement of expenses for private enforcement agents.

#### **Article 10**

After Article 341, a new article shall be added, as follows:

#### **341 A**

1. A private enforcement agent is obliged to perform the acts of scheduling and implementing the enforcement, case management, data inquires and exchanges via public registers and other registers to which, under legal provisions, they are granted access, and to also report on his/ her work via the central electronic system adopted by the Ministry of Justice
2. For the purpose of implementing paragraph 1 of this Article, the Ministry of Justice shall issue a guideline.
3. The private enforcement agent, as the holder of public authorizations, has the right to have electronic access to all public registers containing data that are necessary and appropriate for the purpose of enforcement free of charge unless otherwise provided by the legislation.
4. Exceptionally, a private enforcement agent may carry out enforcement in other ways, only if existing circumstance render access and use of central electronic system of enforcement impossible, while the private enforcement had no influence in the causing of such circumstances.
5. After the circumstances under paragraph 4 of this Article cease to exist, the private enforcement agent shall fill the data in the central electronic system of enforcement.

#### **Article 11**

Article 368 of the basic Law, paragraph 3, the phrase "to the budget of Republic of Kosovo" shall be amended by the phrase "to the budget of the Chamber of Enforcement Agents".

#### **Article 12**

Article 370 of the basic Law, paragraph 3 shall be amended as follows:

3. Members of the disciplinary committee shall be entitled to the remuneration for their

wok from the funds of the Budget of the Republic of Kosovo, in the amount set by the Minister of Justice.

### **Article 13**

Article 376 of the basic Law, after paragraph 2, there shall be added a new paragraph 2a as follows:

2a. In cases of cessation of the function of private enforcement agent, for any reason, according to paragraph 1 of Article 376 of the basic Law, the enforcement cases and other data related to the enforcement actions shall be transferred proportionally to the enforcement agents of the territory of the Basic Court, for which there has been appointed the enforcement agent the function of whom has been ceased, a process that is managed by the joint Committee of the Ministry of Justice and Chamber of the Private Enforcement Agents, with the participation of the enforcement agents the cases are delegated to.

### **Article 14**

1. Minister of Justice shall issue a sub-legal act which shall determine the professional standards of private enforcement agents.
2. Within the period of time not later than six (6) months after the entry into force of these amendments, Ministry of Justice and the Chamber of Enforcement Agents of Kosovo shall issue relevant guidance and regulations for implementation of regulations, as above.

### **Article 15** **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-102**  
**13 July 2023**

**Promulgated by Decree No. DL-142/2023 dated 01.08.2023 President of the Republic of Kosovo Vjosa Osmani-Sadriu**