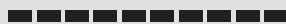




OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVO

PRISTINA



No. 12 / 27 JUNE 2019

THE OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVO

The Official Gazette of the Republic of Kosovo is published by: The Office for Publishing the Official Gazette of the Republic of Kosovo.

The Official Gazette of the Republic of Kosovo is being published pursuant to the Law on the Official Gazette of the Republic of Kosovo No. 03/L-190.

The Official Gazette of the Republic of Kosovo publishes the following: the Constitution of the Republic of Kosovo; legislation adopted by the Assembly of the Republic of Kosovo and promulgated by the President of the Republic of Kosovo; legislation adopted by the Assembly of the Republic of Kosovo pursuant to paragraphs 4 and 5 of Article 80 of the Constitution of the Republic of Kosovo; international agreements ratified pursuant to Article 18 of the Constitution of the Republic of Kosovo; decisions of the Constitutional Court; decrees of the President of the Republic of Kosovo where so requested by the President; declarations and resolutions adopted by the Assembly of the Republic of Kosovo where so requested by the President of the Assembly; bylaws adopted by the Government and/or its ministers where so requested by the Prime Minister; other legal acts as prescribed by the special laws, as well as the Official Gazette Annual INDEKS.

The Official Gazette of the Republic of Kosovo is published in five languages: in Albanian, English, Serbian, Turkish and Bosnian.

The Official Gazette of the Republic of Kosovo is administered by the Office for Publishing the Official Gazette, which operates within the Office of the Prime Minister of the Republic of Kosovo.

Editorial oversight:

Secretary General in the Office of the Prime Minister of the Republic of Kosovo:

Fitim Krasniqi

Coordinator of Office for Publishing the Official Gazette:

Fehmi Stublla

Newsroom of the Official Gazette:

Hysen Bajramaj

Shqipe Fazliu-Gashi

Besart Graiçevci

Address and Correspondence:

The New Government Building,
Pristina
038-200-14039 / 038-200-14827

Web-site of the Official Gazette:

<http://gzk.rks-gov.net>

E-mail address: Info-gzk@rks-gov.net

Design & Print:

Shtypshkronja "Blendi", Prishtinë

IF THERE ARE DISCREPANCIES AMONGST THE LEGAL ACTS PUBLISHED IN THE DIFFERENT LANGUAGE VERSIONS BY THE OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVO, THE VERSIONS IN THE OFFICIAL LANGUAGES SHALL HAVE PRIORITY IN ACCORDANCE WITH THE CONSTITUTION.

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LAW NO. 06/L –086

**ON THE SPECIAL CHAMBER OF THE SUPREME COURT OF KOSOVO ON
PRIVATIZATION AGENCY RELATED MATTERS**

Assembly of Republic of Kosovo,

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

Approves

**LAW ON THE SPECIAL CHAMBER OF THE SUPREME COURT OF KOSOVO ON
PRIVATIZATION AGENCY RELATED MATTERS**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

The purpose of this law is to define the jurisdiction, competences, organization and functioning of the Special Chamber of the Supreme Court on Privatization Agency Related Matters, the rules governing its operation as well as appointment of judges at this court.

**Article 2
Definitions and References**

1. Terms used in this law shall have the following meaning:

- 1.1. **Agency** - the Privatization Agency of Kosovo established by the Law on the Privatization Agency of Kosovo;
- 1.2. **Asset** - the meaning specified in Article 3 of the PAK Law.
- 1.3. **Corporation** - the meaning specified in Article 3 of the PAK Law.
- 1.4. **Decision** - any determination, other than a Judgment, made or issued by a court or a panel or single judge of the Special Chamber and shall include, but not be limited to, any ruling or order;
- 1.5. **Enterprise** - the meaning specified in Article 3 of the PAK Law;
- 1.6. **Judgment** - the final determination made or issued by a court or a panel, or single judge of the Special Chamber establishing the rights and obligations of the parties in a case, even if such final determination is subject to appeal;
- 1.7. **KTA** - the Kosovo Trust Agency, the predecessor of the Privatization Agency of Kosovo;
- 1.8. **KTA Regulation** - UNMIK Regulation No. 2002/12 of 13 June 2002 on the Establishment of the Kosovo Trust Agency;

1.9. **Person** - a natural person, legal person, public authority or undertaking;

1.10. **Public Authority** - any governmental executive authority, public body, ministry, department, agency, or other such authority that exercises executive, legislative, regulatory, public administrative or judicial powers. The term "public authority" shall also include any otherwise private organization or establishment to that extent it exercises any of the afore-mentioned powers pursuant to a grant of authority under a law, regulation or sub-legal act or pursuant to a delegation of authority from another Public Authority;

1.11. **PAK Law** - Law No. 04/L-034, on the Privatization Agency of Kosovo including the annex thereto, amended and supplemented by Law No. 04/L-115, No. 05/L-080 and No. 06/L-023;

1.12. **Shares** - the shares of, or other ownership interest in, an Enterprise or Corporation;

1.13. **Special Chamber** - the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;

1.14. **Special Chamber Regulation** - UNMIK Regulation 2002/13 of 13 June 2002 on the Establishment of a Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters;

1.15. **Undertaking** - any enterprise, corporation, partnership, joint venture, legal person, individual business, association, project, branch, office, or any other organization or establishment (regardless of ownership, domicile or place of business or establishment);

1.16. **Appellate Panel** - any of the appellate panels of the Special Chamber established pursuant to paragraph 10 of Article 4 of the present law;

1.17. **Claimant** - a person referred to in paragraph 1 of Article 6 of the present law, who has filed a claim or appeal with the Special Chamber;

1.18. **Party** - a claimant, respondent or a third party;

1.19. **President** - the President of the Supreme Court, who operates as the President of the Special Chamber simultaneously, as provided with paragraph 5 of Article 4 of the Special Chamber Law;

1.20. **Supervising Judge** - the appointed judge pursuant to paragraph 6 of Article 4 of the Special Chamber Law and who reports to the President of the Supreme Court on the daily operations of the Special Chamber;

1.21. **Presiding Judge** - with respect to one of the Appellate Panels, the Supervising Judge of the Special Chamber as provided for in paragraph 6 of Article 4 of the Special Chamber Law; with respect to the other Appellate Panel, a judge serving at the Appellate Panels as assigned by the President of the Supreme Court as provided for in paragraph 11 of Article 4 of the present law, and with respect to a Panel established in accordance with paragraph 9 of Article 4 of the present law, the single judge who has submitted the request to institute a panel;

1.22. **Single Judge** - a judge, a national of the Republic of Kosovo, responsible and competent to adjudicate and conduct proceedings on cases at first instance as provided for in paragraph 9 of Article 4 of the present law;

1.23. **Collegium of Judges** - the Collegium of Judges of the Supreme Court, as provided in sub-legal acts of the Kosovo Judicial Council, a body responsible for reviewing the

daily work and operations of the Special Chamber in consultation with the President of the Supreme Court and the Supervising Judge;

1.24. **Special Chamber Law** - the present law;

1.25. **Respondent** - a person referred to in paragraph 2 of Article 6 of the present law; and

1.26. **UNMIK Regulation 2003/13** - UNMIK Regulation 2003/13 of 9 May 2003, on the Transformation of the Right of Use to Socially-Owned Immovable Property;

1.27. **Joint Panel** – a panel composed of all the judges from the Appellate Panel, which is competent to set standing principles and legal opinions on matters related to uniform application of the laws or the consolidation of judicial practice.

2. Words of any gender used in this law shall include any other gender as well.

3. Unless the context clearly requires another interpretation, any reference in this law to another law, an UNMIK regulation or a sub-legal act, or any specific provision(s) thereof, shall be interpreted as including any and all amendments thereto. If such a law, regulation or sub-legal act is repealed and replaced with successor legislation governing the same subject matter, such reference shall – unless the context clearly requires another interpretation - be interpreted as meaning such successor legislation and, where applicable, the analogous provision(s) thereof.

4. From the entry into force of this Law, any reference in the legislation towards the Law No. 04/L-033 on the Special Chamber and its Annex, or any specific provisions thereof, shall mean this Law, respectively the analogous provisions of this Law.

CHAPTER II COMPOSITION AND ORGANIZATION OF THE SPECIAL CHAMBER

Article 3 Special Chamber

1. Upon entry into force of this law, the jurisdiction and competences of on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters, the jurisdiction and competencies of this court, as well as the rules governing its organization and operation and the appointment of judges to serve thereon, shall be as established by and provided for in the present law.

2. The seat of the Special Chamber is in Prishtina. The court may decide for the proceedings to take part in a different location from the court building, if it is deemed necessary, facilitates access for any of the parties to the proceedings, or saves time, effort or procedural costs.

3. The Special Chamber is part of the Supreme Court of Kosovo, as provided in the Law on Courts, and functions within the internal organization of the latter.

Article 4 Composition, Organization and Appointment

1. The Special Chamber is a two-tier court and it has jurisdiction on the whole territory of Kosovo.

2. The Special Chamber is composed of judges, nationals of the Republic of Kosovo, and it reflects the ethnical composition of the population in Kosovo, whereby at least two (2) judges shall be amongst the non-majority communities in Kosovo.

3. The President of the Republic of Kosovo shall appoint, re-appoint and dismiss the judges of the Special Chamber upon a proposal from the Kosovo Judicial Council. The appointment, re-appointment and dismissal process shall be borne in compliance with the rules set out by the Kosovo Judicial Council.
4. Each judge appointed to serve as a judge at the Special Chamber is obliged to take the same oath, as requested for all judges of the Supreme Court.
5. The President of the Supreme Court at the same time shall serve as the President of the Special Chamber and is responsible for the management and operations of the Special Chamber. The Special Chamber has a Supervising Judge, who is accountable to the President of the Supreme Court for the operations of the Special Chamber.
6. The Kosovo Judicial Council, in consultation with the President of the Supreme Court, shall assign a Supervising Judge, taking into consideration his/her specialized trainings, managerial experience and performance evaluation. The Supervising Judge serves as a Presiding Judge in one of the Appellate Panels of the Special Chamber.
7. All judges appointed at the Special Chamber must meet all conditions set for judges of the Supreme Court in the Law on Courts. With particular regard, judges serving at the Special Chamber must have evidenced experience on the following fields:
 - 7.1. property law;
 - 7.2. human rights, with a special focus on the jurisprudence of the European Court on Human Rights;
 - 7.3. labour and insolvency law;
 - 7.4. commercial law, including corporate governance and contractual and tort law;
8. The Special Chamber operates in two instances, composed of the first instance and the Appellate Panels as the second instance.
9. All claims which fall within the exclusive competence of the Special Chamber as defined in Article 5 of this law, except the claims related to privatization process and ownership issues, are reviewed and adjudicated at the first instance by a single judge. Claims related to privatization process and ownership issues shall be reviewed and adjudicated in the first instance by a specialized panel of three (3) judges.
10. The Second instance, Appellate consists at least two (2) panels, each composed of three (3) judges. The Second instance, Appellate has the exclusive competence and reviews and adjudicates as a last instance on all matters which fall within the exclusive competence of the Special Chamber as defined in Article 5 of the this law, as well as any other decision or judgment issued by other courts in relation to cases that have been previously referred to such courts from the Special Chamber.
11. The President of the Supreme Court, in consultation with the Supervising Judge of the Special Chamber, assigns the members and the Presiding Judges of each of the Appellate Panels, except for the one Appeal Panel where the Supervising Judge presides as provided in paragraph 6 of this Article.
12. The Special Chamber shall adjudicate in a Joint Panel, composed of all the judges from the appellate panels, when it is required to set standing principles or legal opinions on matters related to uniform application of the law as well as the consolidation of judicial practice.

13. The Joint Panel issues standing principles and legal opinions or unifies judicial practices upon a request by any Appellate Panel, by the Supervising Judge of the Special Chamber or when the Joint Panel deems it necessary to do so. In such occasions, the session is presided by the Supervising Judge of the Special Chamber and in his absence, it is presided by the oldest judge sitting at the appellate panel.

14. Decisions by the Joint Panel are taken by the two third (2/3) of votes of the judges participating in the adjudication.

15. During their mandate as judges of the Special Chamber, the latter enjoy rights and exercise all duties as provided in Chapter IV of the Law on Courts and relevant regulations approved from the Kosovo Judicial Council.

Article 5 **Jurisdiction**

1. The Special Chamber shall have exclusive jurisdiction over all cases and proceedings involving any of the following:

1.1. a challenge to a decision or other action of the KTA or the Agency taken pursuant to the KTA Regulation or, respectively, based on the Law on the Privatization Agency of Kosovo.

1.2. a claim against the KTA or the Agency arising from the failure or refusal of the KTA or the Agency to perform an act or obligation required by law or contract;

1.3. a claim against the KTA or the Agency for financial losses alleged to have been caused by a decision or action taken by the KTA or the Agency pursuant to the administrative authority provided by the KTA Regulation or the Law on the Privatization Agency of Kosovo in respect of an Enterprise or Corporation;

1.4. a claim against an Enterprise or Corporation that is alleged to have arisen during or prior to the time that such Enterprise or Corporation is or was subject to the administrative authority of the KTA, the Agency;

1.5. a claim alleging a right, title or interest with respect to:

1.5.1. any asset or property over which the Agency or the KTA has or has asserted administrative authority;

1.5.2. the ownership of an Enterprise or Corporation;

1.5.3. the ownership of any capital of an Enterprise or Corporation; or

1.5.4. any property or asset in the possession or control of an Enterprise or Corporation if such right, title or interest is alleged to have arisen during or prior to the time that such Enterprise or Corporation is or was subject to the administrative authority of the KTA or the Agency;

1.6. a claim or complaint objecting or challenging any aspect of an official list of eligible employees of an Enterprise issued by the KTA or the Agency under Article 10 of UNMIK Regulation No. 2003/13 or any successor legislation governing the establishment of such a list;

1.7. a claim related to the liquidation of an Enterprise conducted by the KTA pursuant to

the KTA Regulation or by the Agency pursuant to the PAK Law;

1.8. an application made by the KTA or the Agency pursuant to Article 21 of Annex to the PAK Law for the voidance of a transaction of an Enterprise that has undergone or is undergoing liquidation by the KTA or the Agency.

1.9. enforcement of a right or authority of the KTA or the Agency if the KTA or the Agency has submitted an application to the Special Chamber seeking such enforcement, including any claim or lawsuit submitted by the Agency against third parties, be that its capacity as a legal person or while exercising its administrative authority over an Enterprise or Corporation;

1.10. a case or proceeding arising within the scope of UNMIK Regulation No. 2005/48 or any successor legislation thereto, or a claim or proceeding that is related to a case within the scope of such regulation or successor legislation thereto;

1.11. any application to review and decide the legality of, any Judgment or Decision issued by another court in Kosovo involving or relating to any claim or matter specified in paragraph 1 of this Article;

1.12. such other matters as may be assigned to the Special Chamber by law.

2. The assignment of cases to a single judge or to the Appellate Panel is done through a draw in accordance with the rules set by the Kosovo Judicial Council in the Regulation on the internal organization of courts.

3. Neither the Special Chamber nor any judge of thereof, shall have any further authority to refer any specific claim, matter, proceeding or case falling within its exclusive jurisdiction, including here also any lawsuits or claims submitted by the Agency against third parties, to another court of Kosovo.

4. For any claim, matter, case or proceeding (collectively hereafter referred to in the text as a "matter") referred to other courts prior to the date of entry into force of the present law shall continue to remain under that court's jurisdiction, and its Decisions and Judgment with respect thereto shall be subject to the review of the Special Chamber upon the timely submission of an application by a party or an affected third party.

5. If the Agency is not named as a party to any matter that is properly pending before another court under this paragraph, the concerned court shall be required to name the Agency as a party. The Agency shall have the right to participate in the case as an ex officio party and shall be provided with a complete copy of all documents in the case file, and shall be served with all written submissions in the future regarding the case or proceeding.

6. If a referred matter is pending before another court, such court shall not, and shall have no authority to, issue any Judgment or Decision that would violate or be inconsistent with the restrictions established by Article 10 of this law.

7. No court in Kosovo other than the Special Chamber shall have any jurisdiction or authority over any claim, matter, proceeding or case described in paragraph 1 of this Article except as specifically provide for in paragraph 4 of this Article. If a court has exercised or has attempted to exercise jurisdiction or authority over a claim, matter, proceeding or case within the jurisdiction of the Special Chamber and such matter or claim is not within the jurisdiction of such court under paragraph 4 of this Article:

7.1. any Judgment or Decision issued by another court with respect to such a claim, matter, proceeding or case shall, as a matter of law, be invalid and unenforceable; and the Special Chamber shall, upon the application of any person or on its own initiative, issue a Decision declaring it invalid and unenforceable;

7.2. the Special Chamber shall, upon the application of any person or on its own initiative, order such court to issue a decision declaring itself incompetent with respect to the concerned claim, matter, proceeding or case; and

7.3. the Special Chamber shall, upon the application of any person or on its own initiative, order the concerned court to transfer the claim, matter, proceeding or case to the Special Chamber in accordance with paragraph 9 of this Article.

8. Nothing in this Article shall prejudice the rights of any person to pursue outside the Special Chamber a matter not described in paragraph 1 of this Article; provided, however, that the Special Chamber shall have the exclusive authority to determine whether or not any specific matter falls within the scope of paragraph 1 of this Article.

9. The Special Chamber shall have the authority and jurisdiction, upon application by any interested person or upon its own initiative, to issue an order requiring any court of Kosovo to transfer any claim, matter or proceeding or case pending in such court to the Special Chamber if:

9.1. the subject matter of such claim, matter, proceeding or case is within the exclusive jurisdiction of the Special Chamber as specified in paragraph 1 of this Article; or

9.2. an Enterprise, Corporation or the Agency has been named as a party to the concerned case or proceeding or should have – under the law of Kosovo – been named as a party to the concerned case or proceeding.

Article 6 **Claimants and Respondents**

1. Claimants in proceedings before the Special Chamber shall be:

1.1. a person that claims ownership or possessory rights or interests in or to:

1.1.1. an Enterprise or Corporation or the capital of an Enterprise or Corporation;

1.1.2. assets owned by or in the possession of an Enterprise or Corporation, or

1.1.3. assets in the possession, or under the administrative authority or trusteeship, of the Agency;

1.1.4. a person that claims creditor, contractual or other legal rights;

1.1.5. against an Enterprise, a Corporation or the Agency;

1.1.6. in or to Assets in the possession, or under the administrative authority or trusteeship, of the Agency;

1.2. a person bringing a claim or complaint described in sub-paragraph 1.6 of Article 5 of this law;

1.3. the Agency, that claims ownership or possessory rights or other interests in or to:

1.3.1. assets in the ownership or possession of a legal or natural person, or under the administration of its personal authority;

1.3.2. creditor, contractual or other legal rights on the name of an Enterprise or Corporation;

- 1.4. an Enterprise;
 - 1.5. a Corporation; and
 - 1.6. any other person that the Special Chamber or any panel thereof deems necessary or appropriate to admit in order to ensure the full and complete adjudication of the concerned case or issue.
2. Respondents in proceedings before the Special Chamber shall be:
- 2.1. with respect to a claim described in sub-paragraphs 1.1, 1.2, 1.3, 1.6 or 1.7 of Article 5 of this law: the Agency;
 - 2.2. with respect to a claim described in sub-paragraphs 1.4 or 1.5 of Article 5 of the present law: at the choice of the Agency, the concerned Enterprise/Corporation or the Agency acting on behalf of the concerned Enterprise/ Corporation;
 - 2.3. with respect to a voidance application made or submitted by the Agency and described in sub-paragraph 1.8 of Article 5 of this law: the person(s) having a material interest in the transaction that is the subject of such application;
 - 2.4. with respect to an enforcement application submitted by the Agency and described in sub-paragraph 1.9 of Article 5 of this law: the person(s) who are the subject of such application and/or the party against whom the claim/lawsuit has been submitted by the Agency; and
 - 2.5. with respect to any case or issue before it: any person that the Special Chamber or any panel thereof deems necessary or appropriate to name or admit as a Respondent in order to ensure the full and complete adjudication of such case or issue;
 - 2.6. legal or physical persons or a public authority, who have in any way entered or are related to a legal relation with an Enterprise, Corporation or the Agency.
3. Notwithstanding the foregoing provisions of this Article, in a case or proceeding described in sub-paragraph 1.10 of Article 5 of this law, the persons entitled to participate in such case or proceeding shall be those specified in UNMIK Regulation 2005/48 or the successor legislation thereto, whichever law is then in effect.

Article 7

Rules of Procedure at the Special Chamber

1. The rules of procedure of the Special Chamber shall be those provided for in the present law. The Collegium of Judges of the Supreme Court, which includes Special Chamber judges as members, shall have the authority to issue such additional procedural rules as it may deem necessary or advisable to facilitate the efficient and orderly conduct of proceedings; provided that such additional procedural rules shall be consistent with and do not exceed the competences of the present law.
2. Notwithstanding paragraph 1 of this Article, the procedural rules governing proceedings under UNMIK Regulation 2005/48, Law No. 04/L-035 on the Reorganization of certain enterprises and their assets, or any successor legislation thereto shall be as specified in such regulation or successor legislation.
3. Any additional procedural rules issued under paragraph 1 or 2 of this Article shall also be consistent with the applicable procedural justice requirements established by the jurisprudence of European Court of Human Rights under the European Convention on Human Rights.

Article 8

Production of Evidence

In any proceeding, a judge or the panel of the Special Chamber may order any person to submit or provide evidence, testimony, documents or relevant information, if the judge or relevant presiding judge reasonably believes that they are of material importance or relevant for the proceeding.

Article 9

Judgments, Decisions and Appeals

1. The Court shall render and serve to the parties in writing the judgment in a case the latest fifteen (15) calendar days after the date on which the written and oral proceedings have been concluded. If a single judge, a panel as provided in Article 4 paragraph 9 of this law or an Appellate Panel supersedes the above time frame, the single judge or respective Presiding Judge is obliged to inform the President of the Supreme Court about the reasons for such delay.

2. The internal deliberations of each panel regarding any Judgment or Decision shall be restricted and shall not be disclosed. A judge of the panel shall have the right to prepare a signed dissenting opinion to the Judgment of the panel. In such cases, the dissenting opinion shall be attached to the Judgment and becomes part of the case file.

3. All Judgments and Decisions at the first instance shall be decided and issued by a single judge, except for cases as provided in Article 4 paragraph 9 of this law. All Judgments and Decisions of a panel shall be adopted by a majority vote.

4. Every Judgment and Decision shall be in writing and shall:

4.1. summarize the procedural background of the case or matter that is the object of such Judgment or Decision;

4.2. contain a statement setting forth all findings of fact that are material to the case or matter is the object of Judgment or Decision;

4.3. provide a clear and detailed explanation of the legal basis and reasoning used in reaching such Judgment or Decision; and

4.4. if such Judgment or Decision awards a remedy to any party, provide a clear and detailed separate explanation of the legal bases and reasoning used in making such award.

5. If a party has submitted a claim or appeal, and the concerned single judge or panel determines, after assuming the truth of the allegations in the submission containing such claim or appeal, that no remedy can be awarded to such party on such claim or appeal as a matter of law, the concerned single judge, or panel shall issue, as appropriate, a decision rejecting such claim without conducting a hearing or otherwise allowing or requiring the submission of evidence with respect to such claim.

6. A party shall have the right to file an appeal on the judgment or decision of a single judge or panel as provided in paragraph 9 of Article 4 of the present law, or on the court having jurisdiction over a matter under paragraph 3 of Article 5 of this Law, by submitting the appeal to Appellate Panel and by filing that appeal to other parties within fifteen (15) days. The appeal shall also be submitted to the court or judge that has issued the concerned decision or judgment within such fifteen (15) day period. The appellate panel shall dismiss the appeal if the party fails to file it within the prescribed time period.

7. The concerned Judgment or Decision shall not be enforced or given effect until the fifteen (15) day period specified in paragraph 6 of this Article has expired and no written appeal has been submitted within that period. If an appeal is timely submitted in accordance with paragraph 6, the concerned Judgment or Decision shall not be enforced or given effect until the appellate panel issues a Judgment or Decision with respect thereto. The enforceability or effectiveness, in whole or in part, of the Judgment or Decision on such an appeal shall be subject to the Judgment or Decision issued by the appellate panel on such an appeal.

8. In the event a party submits an appeal within the time period prescribed by paragraph 6 of this article, any other party to the proceeding where the concerned Decision or Judgment was issued shall have fifteen (15) days from the date it is served with the appeal, to respond to such appeal or any aspect thereof by submitting to the appellant panel, and serving on the appellant and the other parties, its response to the appeal.

9. When the appellate panel receives the appeal, it shall first determine whether appeal merits review. If the appellate panel decides that the appeal does not merit review, it shall issue and serve upon the parties its written Judgment rejecting the appeal and a detailed explanation of the legal reasoning justifying such rejection; in such event, the Judgment or Decision that is the subject of the appeal shall become final and non-appealable.

10. Where the appellate panel decides to accept an appeal, it may – subject to paragraph 11 of this Article - confirm, annul or alter, in whole or in part, the Judgment or Decision that is the subject of the appeal. The appellate panel may also remand the Judgment or Decision, in whole or in part, to the concerned panel or single judge for further proceedings, if there is a need for collection of additional evidence or re-conduct of evidentiary proceedings. The Appellate Panel may also order the claim, matter, proceeding or case to be re-tried, in whole or in part, by the same panel or single judge that issued the concerned Decision or Judgment or by another single judge or panel.

11. When the appellate panel has accepted and is deciding on an appeal, the following rules shall be strictly observed:

11.1. the appellate panel shall not modify, annul, reverse or otherwise change, in any manner, any finding of fact made by a court, panel or single judge unless the appellate panel determines that such finding of fact is clearly erroneous. A finding of fact shall not be determined to be clearly erroneous if such finding of fact is supported by any reasonable interpretation of the record of the trial proceedings and the evidence submitted during such proceedings; and

11.2. the appellate panel shall conduct a de novo review of each issue of law raised by the appellant or a respondent in their written submissions.

12. If a court, panel or single judge fails to issue a Decision or Judgment within the time period established by law or, if no such time period has been established by law, within a reasonable time, the appellate panel shall, upon the application of any party, order the concerned court, panel or single judge to issue the concerned Judgment or Decision within thirty (30) business days. If a court having jurisdiction over a claim, matter, proceeding or case in accordance with paragraph 3 of Article 5 of the present law fails to comply with such an order, the appellant panel shall, upon the application of any party or on its own initiative, order such case to be immediately transferred to back to the Special Chamber.

13. All Judgments and Decisions shall be in writing and made available to the public. If a court, panel, or single judge makes an oral ruling or issues an oral order ruling, any party shall have the right to require such ruling or order to be put in writing and served on the parties.

14. All Judgments and Decisions of the appellate panel are final and not subject to any further appeal.

15. No provision of the present law shall be interpreted or applied as limiting or attempting to limit the constitutional right of any person to petition the Constitutional Court of Kosovo, in accordance with the law and procedural rules governing such a petition, to review the constitutionality of any Decision or Judgment issued by the Special Chamber or another court.

Article 10 **Remedies**

1. The power and authority of the Special Chamber to award remedies and other relief relating to any Enterprise, any Corporation, any Asset in the ownership or possession of an Enterprise or Corporation, or any other Asset previously or currently under the administration of the KTA or the Agency pursuant to the authority established by the KTA Regulation or the PAK Law shall be subject to the limitations set out in this Article.

2. The Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo or any successor legislation thereto, including the public interest as set out in the preamble of that Law.

3. Where the Special Chamber determines that a party has a right, title or interest in or to any share(s) of, or ownership interest in, an Enterprise or Corporation, an Asset in the possession of an Enterprise or Corporation or another asset over which the KTA or the Agency has asserted its administrative authority, and the concerned share(s), ownership interest or Asset (or any right or interest therein) have been transferred to a third party by the KTA or the Agency pursuant to a good faith and reasonable exercise or discharge of its administrative authority and responsibilities under the KTA Regulation or the PAK Law:

3.1. such transfer shall, as a matter of law, nevertheless be valid and binding, and no aspect of such transfer shall be affected by such determination; and

3.2. such party shall be entitled solely to an adequate monetary compensation for the loss of such right, title or interest. The amount of such compensation shall be determined by a licensed evaluator of immovability on the basis of market for the concerned transaction conducted by the KTA or the Agency, while the fulfilment of such compensation shall be subject to the applicable provisions of the Law on PAK.

4. For the purposes of paragraph 3, if the KTA or the Agency – pursuant to a good faith and reasonable exercise or discharge of its administrative authority and responsibilities under the KTA Regulation or the PAK Law – has transferred the share(s) of, or the ownership interest(s) in, an Enterprise or Corporation to a third party, all Assets in the possession of the Enterprise or Corporation at the time of such transfer shall be deemed to be the lawful property of such Enterprise or Corporation as of the date of such transfer unless such possession has been acquired pursuant to the terms of a written contract that clearly indicates that the Asset is not the property of the Enterprise or Corporation.

5. No person shall be entitled to or granted any remedy or relief that would require or involve the rescission, nullification, impairment or modification of a transaction or contract (or any right, benefit or obligation arising from or based on a transaction or contract) concluded or entered into with a third party by the KTA or the Agency pursuant to the good faith exercise of the authority provided by the KTA Regulation or the PAK Law.

6. Awards against the Agency acting directly in its own capacity shall be subject to the provisions of Article 18 of the PAK Law.

7. Notwithstanding any other provision of the present law, it is expressly provided that if an Enterprise or Corporation is subject to proceedings under UNMIK Regulation 2005/48, Law No. 04/L-035 on the Reorganization of certain enterprises and their assets or any successor legislation thereto, the remedies and relief that may be awarded or imposed by the Special Chamber with respect to such Enterprise or Corporation, or any Asset owned or in the possession of such Enterprise or Corporation, shall be limited to the remedies and relief specified in such regulation or successor legislation.

Article 11
Procedural Costs

The decision issued by a single judge or panel shall determine the procedural costs. The concerned judge or panel of judges shall decide on these costs according to the relevant provisions of the Law on Contested Procedure.

CHAPTER III
JUDGES OF THE SPECIAL CHAMBER

Article 12
Judges of the Special Chamber

The judges of the Special Chamber, including the Supervising Judge of the Special Chamber shall meet the minimum requirements for professional competence and expertise established by paragraphs 6 and 7 of Article 4 of the Special Chamber Law.

Article 13
Incompatibilities and recusal of judges

1. A judge of the Special Chamber shall not hold any other public or administrative office. A judge of the Special Chamber shall not hold any office or position in any political party or engage in any political activities or activities of a political party. A judge of the Special Chamber may engage in any other activity or occupation of a professional nature, within the restrictions set out in the Law on Courts.

2. No judge of the Special Chamber may take part in any case or proceedings in which he or she:

- 2.1. has previously taken part as an agent or advisor;
- 2.2. has previously been employed by, acted for or provided services to one of the parties;
- 2.3. has, except as judge of the Special Chamber, previously participated as a member of a court, tribunal, or commission of inquiry, or has acted in another similar capacity;
- 2.4. is related by blood or marriage to a party or, in the case of a party that is an undertaking, is related by blood or marriage to any person who is an owner or creditor of such undertaking or any person who is a member of the board or management of such undertaking; or
- 2.5. has or acquires a direct or indirect interest in any undertaking that is a party to the case or proceedings or in any entity seeking an ownership interest in an undertaking that is party to the case or proceedings; or
- 2.6. is subject to any other real or apparent conflict of interest that would impair, or appear to impair, his/her ability to professionally and objectively adjudicate the case or proceedings.

3. A judge shall have an absolute duty to apply for recusal if any of the conditions specified under paragraph 2 are present.

4. The President of the Supreme Court in pursuance of its authority under Article 19 of this law may recuse any judge of the Special Chamber from taking part in the adjudication of a case or proceeding, either upon the request of that judge or upon the application of any party. An application for the recusal of a judge may be made at any time during the conduct of the case or proceedings.

5. A request for recusal by a judge shall be addressed to the President of the Supreme Court. If the President grants a recusal request, the judge concerned shall be replaced for the particular case or proceedings by a substitute judge, who shall be transferred for this purpose from the ranks of serving judges.

6. An appeal may not be filed against the decision to approve the request for recusal, while a special separate appeal from the procedure against a decision to reject the request for recusal may not be filed.

CHAPTER IV REGISTRY

Article 14 Registry

1. The Special Chamber shall have its own Registry separate from the registry of the Supreme Court of Kosovo.

2. A register shall be kept in the Registry in which a record shall be made of all pleadings and supporting documents in the order in which they are filed.

3. Any person, as foreseen in the Law on access to public documents, may consult the register at the Registry and may obtain copies or extracts of the register, except for entries subject to a confidentiality order issued by the Special Chamber, on payment of a charge on a scale fixed by the registry's rules.

4. The Registry of the Special Chamber may request and shall be granted assistance from any other court in Kosovo for the fulfilment of its duties.

Article 15 Duties of the official for the management of cases of the Special Chamber

1. The official for the management of cases and deputy official for the management of cases shall be selected and appointed by the Kosovo Judicial Council.

2. Before taking office, the official for the management of cases and deputy official for the management of cases shall take the following oath or make the following solemn declaration before the Special Chamber: "I solemnly declare that I will exercise loyally, discretely, and conscientiously, the functions conferred upon me as official for the management of cases/ deputy official for the management of cases of the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters, and that I will keep secret all any information that may come to my knowledge in the exercise of my functions."

3. Under the authority of the President of the Supreme Court, the official for the management of cases and deputy official for the management of cases shall assist the Special Chamber in the performance of its functions and shall be responsible for the organization and activities of the

Registry. They shall also have responsibility to supervise the preparation of minutes by court recorders of proceedings of the Special Chamber.

4. The official for the management of cases and deputy official for the management of cases shall have the custody of the court stamp of the Special Chamber and the archives of the Special Chamber, and shall be the link for all communications and notifications made by, or addressed to the Special Chamber in connection with cases brought or to be brought before it.

5. Subject to the duty of discretion attaching to this office, the official for the management of cases and deputy official for the management of cases shall reply to requests for information concerning the work of the Special Chamber.

6. The work and organization of the Registry shall be regulated in compliance with the Regulation on internal organization of courts issued by the Kosovo Judicial Council. General instruction drawn up by the official for the management of cases and deputy official for the management of cases and previously approved by the Special Chamber, shall be valid in as far as they do not contradict the Regulation of the Kosovo Judicial Council and shall be implemented only in so far that the Kosovo Judicial Council regulations do not provide or regulate a matter of concern in the workings of the Registry.

CHAPTER V ORGANIZATION OF THE SPECIAL CHAMBER

Article 16 Organization; Permanent Session

The Special Chamber shall be organized in accordance with the requirements of Article 4 of the Special Chamber Law and shall remain permanently in session.

Article 17 Administration under the direction of President of the Supreme Court

The President of the Supreme Court, with the help of the Supervising Judge, shall direct the administration of the Special Chamber and, unless otherwise provided in this law, the work of the Special Chamber.

Article 18 The Presiding Judges

1. Every Appellate Panel of the Special Chamber shall have a Presiding Judge pursuant to paragraphs 6, 9 and 10 of Article 4 of this Law. Presiding Judges shall direct the judicial business of the panel and preside at hearings and deliberations except as may be otherwise specifically provided in this Law.

2. In cases as provided in paragraph 9 of Article 4 of the present law, the single judge submitting the request to institute a panel shall be the Presiding judge of that panel. The Presiding Judge of such panel shall direct the judicial business of the panel and presides hearings and deliberations, while the other two (2) judges, members of such panel, shall take part in deliberations.

Article 19 The President of the Special Chamber

1. The President of the Supreme Court serves simultaneously as President of the Special Chamber.

2. The President of the Supreme Court has general authority over the daily administration of the Special Chamber in accordance with the rules and procedures set out in the Law on the

Special Chamber.

3. The President of the Supreme Court assigns judges and the presiding judges to the Appellate Panels, based on their qualifications for effective adjudication of cases.
4. The President of the Supreme Court, with the help of the Supervising Judge, organizes and oversees the operations of the Special Chamber, oversees the court's financial operations and ensures an effective and efficient administration of justice at the Special Chamber.
5. The President of the Supreme Court gives instructions on the substitution of judges and decides on requests for recusal of judges of the Special Chamber.
6. The President of the Supreme Court may delegate specific administrative responsibilities in writing to the Special Chamber Administrator. In the absence of the President of the Special Chamber, such competencies shall be exercised by the Supervising Judge.

Article 20 **Supervising Judge**

1. The Supervising Judge of the Special Chamber is appointed from the Kosovo Judicial Council in consultation with the President of the Supreme Court.
2. The Supervising Judge implements the rules and orders of the Kosovo Judicial Council as well as orders of the President of the Supreme Court and issues them in compliance with his legal responsibilities and competences.
3. The Supervising Judge assists with the management of the Court and in the absence of the President of the Supreme Court the Supervising Judge shall serve as acting President.
4. The Supervising Judge serves for a two (2) year mandate, with the possibility of a re-appointment for one more mandate.

CHAPTER VI **COMPETENCES AT THE FIRST INSTANCE**

Article 21 **Competences and Case Allocation**

1. A Single Judge is competent to adjudicate at first instance all claims, appeals or cases submitted at the Special Chamber, as follows:
 - 1.1. cases involving claims or appeals related to the legitimate rights of the workers according to Article 10 of the Regulation No.2003/13 or succeeding legislation thereto, or employment general matters of an enterprise or corporation;
 - 1.2. cases involving appeals or other matters arising or are related to the liquidation of an enterprise or its assets;
 - 1.3. cases involving the reorganization or restructuring of an enterprise pursuant to Regulation No. 2005/48, Law No. 04/L-035 on the Reorganization of Certain Enterprises and their Assets or successor legislation thereto;
 - 1.4. other cases that fall within the jurisdiction of the Special Chamber as provided in Article 5 of this Law.
2. Cases involving claims or appeals arising from or related to the privatization process

conducted by the KTA or the Agency, as well as cases involving general ownership claims shall be adjudicated at first instance by a panel of three (3) judges, as determined in paragraph 9 of Article 4 of this Article. Composition of this panel shall be determined by the Supervising Judge.

3. Case allocation to the single judge at first instance, respectively to the respective panel, shall be done through a draw in accordance with the procedures set out in the Regulations of the Kosovo Judicial Council.

CHAPTER VII GENERAL POWERS OF THE COURT

Article 22 The Powers of Case Management

1. The powers determined according to this Law on the Special Chamber or its judges shall be additional powers over those that are already determined by other laws or sub-legal acts into force.

2. Except where this law specifically provided otherwise, any Panel or Single Judge may take any of the following actions in connection with any case or proceeding being handled or conducted by such Panel or Single Judge:

2.1. where compelling circumstances exist justifying such action: extend the time for compliance with a Decision, even if an application for extension is made after the time for compliance has expired;

2.2. adjourn or bring forward a hearing;

2.3. require a party or party's authorized representative to attend the court;

2.4. during a hearing, receive evidence by telephone or by using any other method of direct oral communication;

2.5. direct that parts of any proceedings to be dealt with as separate proceedings or consolidate separate proceedings;

2.6. where compelling circumstances exist justifying such action: stay a case or proceeding or the applicability of any Decision or Judgment either generally or until the occurrence of a specified date or event;

2.7. try more than one claim on the same occasion;

2.8. direct a separate trial on any matter;

2.9. decide the order in which matters are to be tried;

2.10. exclude a matter from consideration;

2.11. dismiss or adjudicate any claim after having made a Decision on a preliminary matter;

2.12. order any party to file and serve an estimate of costs; and

2.13. make any Decision or take any other step for the purpose of managing the case and furthering the overriding objective.

3. When any Panel or Single Judge issues a Decision, it may

- 3.1. make such Decision subject to such conditions as may be necessary or appropriate under the circumstances, including a condition to pay an amount of money into court; and
- 3.2. specify the consequences of a failure to comply with the Decision or any aspect thereof.

4. Any Panel or Single Judge may order a party to pay an amount of money into court if that party has, without good reason, failed to comply with a Decision or Judgment. When exercising its power under this paragraph of this Article, the Court shall take into account the amount in dispute, the costs which the parties have incurred so far or may incur further, and the financial abilities of the parties involved. Where a party pays money into court in compliance with such an order, the money so paid shall be security for any sum that is or may be payable by that party to another party.

Article 23 **Sessions and Deliberations**

1. The dates and times for sessions at the first instance and the Appellate Panel shall be fixed by the concerned single judge or Presiding Judge. A single judge or a Panel may decide to hold one or more sessions in a place other than that in which the Special Chamber has its seat.
2. All deliberations are held in closed sessions. The Registrar and other court staff may be present during deliberations, but only if the Presiding Judge of the Panel so permits.
3. All Judgments and Decisions at first instance are taken by a Single Judge, with the exception of cases decided by a panel as provided in paragraph 9 of Article 4 of the present law. In such cases or at the Appellate Panel, all judgments and decisions shall be decided by an affirmative vote of two (2) judges.

Article 24 **Transfer of Actions Pending in any other Court in Kosovo**

1. If the Special Chamber determines that another court in Kosovo is exercising or attempting to exercise jurisdiction over a claim, matter, proceeding or case involving subject matter within the jurisdiction of the Special Chamber in violation of paragraph 6 of Article 5 of the present law, the Special Chamber shall, upon the application of any person or on its own initiative, order the concerned court to transfer the claim, matter, proceeding or case to the Special Chamber in accordance with paragraph 8 of Article 5 of the present law.
2. An order issued by the Special Chamber pursuant to paragraph 8 Article 5 of the Special Chamber Law shall be final and binding on the concerned court and all parties to the concerned proceeding. The order shall be served on the concerned court, the parties and the Agency. The order shall require the concerned court to immediately transmit to the Special Chamber the complete case file, including, but not limited to, all orders, minutes, pleadings and other documents relating to the concerned claim, matter, proceeding or case.
3. The claim, matter, proceeding or case that is the subject of such an order shall be entered in the register of the Special Chamber. The concerned Single Judge or Panel shall have the authority to either initiate the case de novo or to resume the concerned proceedings in accordance with this law. In the latter case, the concerned Single Judge or Panel shall have the authority to take whatever actions, and issue whatever orders, as may be necessary or appropriate to remedy any substantive or procedural irregularities or errors that may have occurred at the transferring court prior to the date of transfer and to ensure the just and lawful disposition of the claim, matter, case or proceedings in accordance with the Special Chamber Law.

CHAPTER VIII SERVICE

Article 25 Address for Service

1. A Claimant shall provide in its claim or appeal the name and address of a person in Kosovo who is to serve as the authorized agent of the Claimant for the purposes of service. If the Claimant is a natural person resident in Kosovo, he/she may serve as his/her own agent.
2. A Claimant shall also provide in its claim or appeal the name of each person specifically identified as a Respondent. The Claimant shall also undertake reasonably diligent efforts to ascertain and provide the last known address of each such person and include such information in its claim or appeal.
3. Any person filing a response or otherwise seeking to participate as a party in proceedings before the Special Chamber shall provide the name and address of a person in Kosovo who is to serve as the authorized agent of such Respondent or person for the purposes of service. If such Respondent or person is a natural person resident in Kosovo, he/she may serve as his/her own agent.
4. A party may agree to the service of pleadings, notices and Decisions by telefax or other electronic means of communication. In such case, the party shall submit to the Special Chamber all information necessary to effect service using telefax or other electronic means of communication.

Article 26 Effecting Service

1. Where this Law requires that a document be served on a party, the Registrar – or the party submitting the document - shall ensure that the document is delivered to the address for service of that party either by the dispatch of a copy of the document by registered mail with a form for acknowledgement of receipt or by personal service of such copy against a receipt.
2. Where a party has agreed, in accordance with paragraph 4 of Article 25 of this Law that service may be effected by telefax or other electronic means of communication, any procedural document other than a Judgment of the Special Chamber may be served by the transmission of a copy of the document by such means. Where, for technical reasons or on account of the nature or length of the document, such transmission is impossible or impracticable, the document shall be served on the party in accordance with the procedure set forth in paragraph 1 of this Article 26 of this Law, and a notice of such service shall be provided to the concerned party by telefax or other electronic means of communication.
3. Service shall be deemed to have been effected:
 - 3.1. in the case of dispatch of a copy of the document by registered mail pursuant to paragraph 1 of Article 26 of this Law, on the day on which the addressee acknowledges receipt or, if the addressee has refused to accept the document or to sign the receipt, on the fifth day following the mailing of the registered letter at the post office of the place where the Special Chamber has its seat;
 - 3.2. in the case of personal service of the document pursuant to paragraph 1 of this Article, on the day on which the addressee acknowledges receipt. If the addressee has refused to accept, or is avoiding receiving, the document or if the addressee has refused or is avoiding to sign the receipt, the date of service shall be the date of the actual or attempted service. In such event, the person charged with serving the document shall prepare a certificate of attempted service specifying the time, date and place of the attempted service and a description of the facts demonstrating that the addressee

refused or avoided service and/or the signing of the receipt. The person charged with serving the document shall return the certificate of attempted service to the Registry;

3.3. in the case of transmission of the document by using telefax or other electronic means of communication pursuant to paragraph 2 of this Article, on the day the transmission was successfully completed and documented or, if the inability to successfully complete said transmission was due to the deliberate fault of the receiver, on the day that the attempt to transmit was made.

4. After service of the initial claim is effected, a single judge or panel may require or permit a party to serve additional pleadings and documents on the other parties without the assistance of the court. In addition to the proof of service or certificate of attempted service, the serving party shall always file with the court copies of any pleadings or documents served or attempted to be served on another party without the assistance of the court.

5. Where the specific identity and/or address of a party or necessary person cannot, after reasonably diligent efforts, be definitively ascertained, the Court shall allow for constructive service by such means as may be reasonable under the circumstances. Such means may include service by publication in the notice board or service on a known relative or business associate.

Article 27 **International Legal Cooperation**

1. For the purposes of the present section, the term “International Legal Cooperation” means assistance relating to legal proceedings provided by Kosovo authorities to foreign authorities or provided by foreign authorities to Kosovo authorities.

2. A request by the Special Chamber - or by a court in Kosovo to which a claim, matter, proceeding or case has been referred by the Special Chamber - for international legal cooperation in matters falling within the primary jurisdiction of the Special Chamber shall comply with the following guidelines:

2.1. the request shall be sent in writing to the Minister of Justice, setting out clearly the nature of the request, the identities of the concerned foreign authorities, and the time by which a response is requested;

2.2. the Minister of Justice shall send the request, via official diplomatic channels, to the relevant foreign authorities outside Kosovo; and

2.3. the Minister of Justice shall transmit any and all responses received with respect to such request to the Special Chamber or the concerned court.

3. A request by a court outside Kosovo for international legal cooperation in matters falling within the primary jurisdiction of the Special Chamber shall be processed as follows:

3.1. the request shall be in writing, setting out clearly the nature of the request and the time by when a response is requested and shall include an undertaking that any materials provided in response to such request shall only be used for the purposes specified in the request;

3.2. the request shall be submitted to the Minister of Justice who shall forward the request to the Registrar of the Special Chamber. A request for mutual legal assistance received directly by any court in Kosovo from a foreign authority shall immediately be returned to the foreign authority with a letter advising the sender that the request must be submitted through the Ministry of Justice;

3.3. if the request relates to a claim that has been referred by the Special Chamber to another court of Kosovo, the official for the management of cases shall transmit the request to that court for action; and

3.4. any response to such a request shall be submitted by the Special Chamber or the concerned court to the Registrar, who shall immediately forward such response to the Minister of Justice, and the Minister of Justice, shall then send the response, via official diplomatic channels, to the requesting foreign authorities.

CHAPTER IX PERIODS AND TIME-LIMITS

Article 28 Calculation of Time Periods

Unless otherwise determined expressly, the time limits determined in this Law shall be counted according to relevant provisions on time limits in the Law on Contested Procedure.

Article 29 Expiry of Time Periods

1. Without prejudice to its responsibility to handle matters before it expeditiously, the Special Chamber may in exceptional cases, and if the interest of justice so requires, extend a time period prescribed by law if it determines that it is not reasonably practicable for a party or the Special Chamber to dispose of the matter at hand within the time period prescribed by law.

2. If a party seeks an extension of time, such party shall submit an application for the extension prior to the expiration of the concerned time period. The Single Judge or the concerned Presiding Judge may grant the extension if the application sets forth circumstances and reasons that the Single Judge or Presiding Judge considers sufficient to justify the extension and the Single Judge or Presiding Judge determines that no other party would be seriously prejudiced by the extension.

3. A party shall submit an application for an extension as soon as that party becomes aware of the circumstances and reasons that the party believes justify the extension. In no event may an application be submitted after the expiry of the prescribed time period. At the same time as it submits the application, the party shall provide all other parties with a copy of the application.

4. The Single Judge or Presiding Judge may grant the extension only for such additional time as the circumstances set forth in the application may warrant.

CHAPTER X GENERAL RULES

Article 30 Proceedings

The proceedings before the Special Chamber shall be based on written filings and oral proceedings.

Article 31 Obligations of Parties in Proceedings

1. Each party shall set forth in its written submissions a comprehensive statement of facts that alleges all facts that the party knows or reasonably believes to be relevant or material to the

concerned claim, matter, proceeding or case. The Special Chamber shall only conduct an ex officio investigation of the facts in exceptional circumstances.

2. The Special Chamber shall encourage the parties to reach a negotiated settlement prior to and during any proceedings.
3. In all stages of the proceedings the parties shall act in truthfully.
4. Each party shall set forth in its written submissions a detailed statement of the facts and the legal reasoning upon which it bases its positions and arguments.
5. Where a party alleges a fact, such party shall be required to produce evidence, physical and/or testimonial, supporting such allegation.

Article 32 **Representation before the Special Chamber**

1. Every claimant and respondent shall be represented by a member of the Kosovo Chamber of Advocates, except Agency, which at the Special Chamber of the Supreme Court of Kosovo is represented by persons authorized by the Agency, amongst them or other engaged persons. Employed or engaged person by the Agency in the meaning of this Article includes also the officials appointed by the Agency according to Article 14 of the Annex of the Law No. 04/L-034 on the Privatization Agency of Kosovo, as well as any successive legislation.
2. Notwithstanding the foregoing provision, a natural person may be permitted to represent himself or herself unless the Single Judge or Presiding Judge issues an order under paragraph 3 of this Article.
3. Upon application by any party or upon its own motion, the Single Judge or Presiding Judge may order that a natural person be represented by a member of a bar association or a chamber of advocates if the Single Judge or Presiding Judge is satisfied that such an order is required for the protection of that person's rights and interests or for the orderly conduct of proceedings or is otherwise in the interests of justice. The Single Judge or Presiding Judge shall not make such an order unless he or she is satisfied that:
 - 3.1. such person is reasonably able to afford authorized representation; or
 - 3.2. legal aid will be made available to that person to cover the costs of the authorized representation, as provided for in the Law on free legal aid and any subsequent legislation. For this purpose the Single Judge or Presiding Judge may write to any person or body recommending the grant of legal aid to provide representation and requiring that person or body to state whether or not such legal aid will be provided.
4. A lawyer acting for a party must submit to the Registry a copy of the power of attorney granting the authority to represent such party in the proceedings before the Special Chamber.
5. The Special Chamber shall immediately notify a party who is not represented by a lawyer of the provisions of this Article.

Article 33 **Filing of Pleadings**

1. The original of every pleading must be signed by the party or by the party's lawyer, if that party has authorized representation. The original, accompanied by all annexes referred to therein, shall be filed at the Registry together with four complete and exact copies for the Special Chamber and one complete and exact copy for every other party to the proceedings. The official for the management of cases shall immediately ensure that every other party to the

proceedings are served with a copy.

2. When a document is filed, the official for the management of cases shall make a note of the date of filing on the original.

3. Once a pleading is filed, with the Registry, any calculation of procedural time limits that commence as a result of the filing shall begin at midnight on the date of filing as required by Article 28 of this law.

4. If a party chooses to file a pleading by telefax or other electronic means with the Registry, the pleading so filed must be accompanied by all annexes referred to therein, and:

4.1. the filing party must simultaneously send a copy the entire pleading, including the annexes referred to therein, by the same means to all other parties;

4.2. the requirements of paragraph 1 of this Article must be satisfied within the next ten (10) days; and

4.3. if the provisions of paragraph 4 of this Article are applied, the date of filing shall be the date of electronic or telefax transmission; provided, however, if the time of electronic or telefax transmission is after 16:00 hours Kosovo time, the date of filing shall be the following business day.

5. The first pleading of an undertaking shall be accompanied by a document, signed by the person granting the power of attorney to the undertaking's lawyer, certifying that such person has the lawful authority to grant such power of attorney.

6. Except as specifically provided by paragraph 7 of this Article, any person shall have the unrestricted right to immediately obtain copies of any pleadings, documents, Judgments or Decisions filed or entered with respect to any claim, matter, proceeding or case before the Special Chamber or that has been referred by the Special Chamber to another court. The Special Chamber shall fix and publish a copying fee that shall be paid by any person obtaining such copies; such copying fee shall be on a "per page" basis and shall be no greater than zero point fifteen (0.15) Euro.

7. The Special Chamber may, acting pursuant to a justified request of the filer of a pleading or document, but never on its own initiative, designate specific information contained in such pleading or document as confidential. Any request for confidential treatment of information in a pleading or document must be accompanied by a compelling written justification demonstrating that public access to such information would cause serious harm to the party or person submitting such information. When considering such a request, the Special Chamber shall give serious consideration to the compelling public interest in maintaining an open and transparent judicial process. The Special Chamber shall not grant such a request if the concerned information is readily accessible by the public elsewhere. If the Special Chamber grants such a request, it shall ensure that public access is only restricted with respect to the specific concerned sensitive information, and the Special Chamber shall ensure that the publicly accessible files at the Special Chamber contain a redacted version of the concerned document or pleading. Judgments and Decisions shall never be designated as confidential.

8. All Pleadings and supporting documents may be submitted in either the Albanian or Serbian language.

Article 34 **Withdrawal, Amendment, Acknowledgement and Settlement**

1. A Claimant may at any time withdraw its claim or appeal if the Special Chamber consents. In granting its consent the Special Chamber shall consider the interests of all other parties. A

Decision consenting to the withdrawal may include an order requiring the withdrawing party to pay the costs of the proceedings incurred prior to the withdrawal. Such a Decision shall not preclude such party from re-filing the claim or appeal.

2. A party may, with the consent of the Single Judge or Presiding Judge, amend its pleadings at any time before the conclusion of the proceedings. The Single Judge or Presiding Judge shall decide whether to accept the request for amendment, taking into account whether such amendment serves the interest of justice and any harm that may be suffered by the other parties.

3. A Respondent may at any stage of the proceedings accept the claim or appeal filed against it in whole or in part.

4. Parties may resolve the contest between themselves through a judicial reconciliation during all the judicial procedure. The relevant provisions in relation to the judicial reconciliation in the Law on Contested Procedure shall apply mutatis mutandis in the procedures before the Special Chamber.

CHAPTER XI WRITTEN PROCEEDINGS

Article 35 Initiation of Proceedings

1. A lawsuit, claim or appeal shall be submitted to the Special Chamber in writing.

2. A claim or appeal shall state:

2.1. the name and address of the Claimant(s);

2.2. the name and address of the lawyer, if any, acting for the claimant;

2.3. to the extent required by paragraph 2 of Article 25 of this Law, the name(s) and address(es) of Respondent(s);

2.4. the subject-matter and all material facts pertaining to the claim or appeal, the grounds for the primary jurisdiction of the Special Chamber over the claim or appeal, the legal arguments on which the claim or appeal is based and a list of the evidence that the claimant intends to produce;

2.5. where monetary compensation is sought, a schedule of damages setting out the nature of the loss or damage, the amount of money claimed for each type of loss or damage, and the evidence that is to be offered in support of that type of loss or damage; and

2.6. where non-monetary relief is sought, the Claimant(s) shall specify the nature of such relief, taking into account the provisions of Article 10 of the Special Chamber Law. The Claimant(s) shall also provide the amount of monetary compensation (supported by the schedule of damages required by sub-paragraph 2.5 of this Article) that it seeks in the event the Special Chamber determines it cannot or will not award such non-monetary relief.

Article 36 Admissibility of Claim/Appeal

1. Upon receipt and registration of a claim or appeal and its assignment to the competent Single

Judge or Panel pursuant to Article 21 of this Law, the Single Judge or the Panel shall determine whether the claim/appeal is admissible.

2. A claim/appeal shall only be admissible if:

- 2.1. the Special Chamber has jurisdiction pursuant to Article 5 Special Chamber Law;
- 2.2. the Claimant has the right to initiate proceedings pursuant to paragraph 1 of Article 6 of the Special Chamber Law;
- 2.3. the claim/appeal is brought against a party who may be a Respondent in proceedings before the Special Chamber pursuant to paragraph 2 of Article 6 of the Special Chamber Law;
- 2.4. the claim/appeal has been filed within the period set forth in the present law or in other applicable laws;
- 2.5. the claim/appeal was filed in accordance with Article 33 and 35 of this Law;
- 2.6. there has been attached a copy of the legal act against or towards which the claim/appeal has been filed.

3. If the Single Judge or the Panel determines that the requirements set forth in paragraph 2 of this Article are not met, it shall reject the claim/appeal on the grounds of inadmissibility and shall specify with particularity the legal grounds for such rejection. If the claim/appeal is rejected solely for failure to comply with sub-paragraph 2.5 of this Article, the Single Judge or Panel shall issue an order to the Claimant specifying a reasonable period of time during which the Claimant may correct the concerned deficiencies and resubmit.

4. Any Respondent may at any time file a written pleading challenging the claim or appeal as failing, as a matter of law, to state a claim on which relief or compensation may be awarded. If such a challenge is filed, the Claimant shall have fourteen (14) days to file its written response thereto. The Single Judge or Presiding Judge may then schedule a hearing on the issue.

5. If, after considering the written and oral arguments of the parties, the Single Judge or Panel determines that no relief or compensation can be awarded in respect of the claim/appeal as a matter of law, it shall issue a Judgment rejecting the claim/appeal on that basis. If the Single Judge or Panel determines that the claim or appeal does state a claim on which relief or compensation may be awarded as a matter of law, it shall issue a Decision dismissing the Respondent's challenge. Any such Judgment or Decision shall be appealable to the Appellate Panel in accordance with the rules governing such appeals.

Article 37 **Respond to a lawsuit**

1. Within fifteen (15) days after the Respondent has been served with a claim/appeal, the Respondent may file a respond to the lawsuit. The respond to the lawsuit shall contain:

- 1.1. the name and address of the Respondent;
- 1.2. the name and address for service of the lawyer acting for the Respondent;
- 1.3. the Respondent's response to the facts alleged by the Claimant;
- 1.4. the Respondent's counter arguments to the legal arguments advance by the Claimant; and

1.5. the Respondent's response to the request for relief and/or compensation sought by the Claimant.

2. The fifteen (15) day period specified in paragraph 1 of this Article may be extended by a Decision issued by the Single Judge or, when applicable, by the Presiding Judge, established pursuant to Article 4 paragraph 9 of this law upon a reasoned application by the Respondent.

Article 38

Claimant's Response and Respondents' Counter Response.

1. Exceptionally, if the Single Judge or the Presiding Judge determines that the claim or defense is incomplete or additional clarifications are required, with the intent to eliminate such insufficiencies, the Single Judge or the Presiding Judge in a panel instituted in accordance with Article 4 paragraph 9 of the present law shall issue an order requesting the Claimant to submit a Response within seven (7) days upon receipt of the Order.

2. After being served with the Claimant's response, the Respondent has seven (7) days to file its counter response thereto.

3. The same rules as set out in paragraph 1 and 2 of this Article shall be applicable mutatis mutandis in the procedures at the Appellate Panels.

Article 39

Cross-actions

1. A Respondent must file any cross-action (s) it may have within the same time period allowed for the filing of its defense.

2. Cross-actions shall be subject to the same admissibility requirements established by paragraph 2 of Article 36 of this law for claims/appeals. A Claimant against whom a cross-action has been filed may apply to the Single Judge or Panel to sever the cross-action from the proceedings on the grounds that the facts in dispute between the parties with respect to Claimant's claim/appeal do not materially relate to the cross-action. The Single Judge or Panel shall grant such application if it determines that the interests of justice would be served thereby. Where the cross-action is severed, it shall proceed as a new and separate case with a separate entry in the register, and:

2.1. the cross-action shall be deemed the claim/appeal in that new case;

2.2. the Respondent in the original case shall be the Claimant in that new case; and

2.3. the Claimant in the original case shall be the Respondent in the new case.

Article 40

Closing of Written Proceedings

1. Written proceedings shall be closed:

1.1. if the respondent has not filed the respond to the lawsuit within the legal time frame;

1.2. if the respondent has, within the legal time frame, filed the respond to the lawsuit, but when it is allowed as determined in Article 38 of this Law, the claimant has not filed the respond to the lawsuit within the legal time frame;

1.3. if the claimant has, within the legal time frame, filed the respond towards the respond to the lawsuit, but the respondent has not submitted counter response within the legal time frame, if the latter is allowed according to Article 38 of this Law.

Article 41
Procedural Directions on the Hearing of Claims

1. At any time during the proceedings, the Special Chamber may order that two or more claims/appeals concerning the same subject matter be joined for the purposes of the written and/or oral proceedings or the Judgment. Prior to the issuance of a Judgment on all claims/appeals so joined, any of such claims/appeals for which a Judgment has not yet been issued may be severed.
2. At any time, the Special Chamber may order that one or more issues be adjudicated before the adjudication of any other issue if the Special Chamber determines that this will serve the interests of justice, judicial economy or the speedy resolution of proceedings.
3. The Special Chamber may at any time summon the parties to a hearing for the purpose of issuing directions and/or schedules governing the further conduct of the proceedings.

CHAPTER XII
EVIDENCE AND HEARINGS

Article 42
General Rules on Evidence

1. A party may submit evidence by:
 - 1.1. producing, or requesting the judge(s) in the case or proceeding to order the production of, the original of a document that is relevant to one or more legal issues or factual allegations in the case or proceeding; the judge(s) may accept a copy of such a document in lieu of the original, but only if the submitting party provides an acceptable explanation as to why the original cannot be provided;
 - 1.2. producing, or requesting the judge(s) in the case or proceeding to summon, witnesses to provide factual testimony or other evidence during the oral proceedings; however, if the party intends to produce such a witness, that party shall provide such judge(s) and the other parties with the name and address of each such witness at least five (5) days prior to the date on which such witness is to testify;
 - 1.3. producing experts to provide expert reports and expert testimony during the oral proceedings; however, the party intending to produce any such expert shall provide the judge(s) in the case or proceeding and the other parties with the name and address of each such expert, and a description of his/her area(s) of expertise, at least five (5) days prior to the date on which such witness is to testify;
 - 1.4. producing a physical item relevant to a factual issue in the case or proceeding;
 - 1.5. producing treatises, articles and other written materials authored by persons having special expertise or knowledge on a subject matter that is material to a factual or legal issue in the case or proceeding;
 - 1.6. requesting the judge(s) in the case or proceeding to order a visit to a site to or the inspection of an object; any such a request shall be accompanied by an explanation indicating the facts that such visit or inspection is expected to assist in establishing; and
 - 1.7. producing any other evidence as may be permitted by the judge(s) in the case or proceeding, if the judge(s) first determine that the party has sufficiently demonstrated that such evidence may reasonably be expected to be material to a factual or legal issue in the case or proceeding.

2. The party alleging a fact or an event shall have the burden of proving the truth of such allegation through the submission or production of material evidence (documentary, physical and/or testimonial). Every other party shall be given a reasonable opportunity to challenge the legitimacy or veracity of such evidence through the submission or production of other evidence (documentary, physical or testimonial) tending to disprove the legitimacy or veracity of such evidence. Where evidence is produced by a party in the form of an affidavit or testimony, every other party shall be given a reasonable opportunity to question the person making such affidavit or providing such testimony either in court or at a deposition under oath that is video/ audio-taped and transcribed.

3. A party alleging a fact or an event shall be given a reasonable opportunity to submit or produce material evidence in support of such allegation. If such party fails to submit or produce any such evidence, the party shall be determined to have not discharged its burden of proof with respect to that allegation.

4. The judge(s) shall have a duty to independently assess the credibility of any and all evidence (documentary, physical and testimonial) submitted or produced in a case or proceeding.

Article 43 **Orders Compelling the Appearance of Witnesses**

1. Upon application of a party, and for good cause shown in such application, the judge(s) in the case or proceeding shall order a person to appear in court or at a deposition for the purpose of providing testimony and/or producing documents (including documents in electronic form) or other items material to the case or proceeding.

2. Such an application shall contain the following information:

2.1. the name and last known address of such person and any other information available to the applicant that may assist in identifying the location of the person;

2.2. if the person is to testify, a general indication of the material facts about which the person is reasonably believed to possess knowledge;

2.3. if the person is believed to have material documents (including documents in electronic form) or other items in his/her possession, a general description of those documents; and

2.4. a commitment by the party making such application to pay the reasonable expenses of the person as determined in accordance with Article 47 of this law; if such party ultimately prevails in the case or proceeding, the judge(s) may order the other party to pay these expenses.

3. The judge(s) may, after considering the application, decide that the applying party has not shown sufficient cause for the order to be issued.

4. If the judge(s) decide to issue the order, either the Registrar or the applying party shall be directed to serve the order on the witness. However, if the witness is not physically present in Kosovo and does not maintain a residence in Kosovo, a request for the service of the order shall be made in accordance with paragraph 2 of Article 27 of this law.

5. A witness who is physically present in Kosovo at the time of service or who maintains a residence in Kosovo and who has been duly and timely served with such an order shall have a strict obligation to comply fully with such order. If the witness is unable to appear at the time specified in the order, the witness shall, prior to the time for appearance specified in the order, submit a request to the judge(s) explaining why he/she cannot appear at that time and

specifying the times he/she is available to appear. Upon the timely receipt of such a request, the judge(s) may modify the order accordingly and have that order served upon the witness.

6. In case a witness does not comply with the court order, the judge of the case, respectively the presiding judge, shall impose a fine to the concerned witness. Provisions of the Law on Contested Procedure in relation to the non-compliance with the court shall apply *mutatis mutandis* in the relevant cases before the Special Chamber.

7. A witness who is fined under paragraph 6 of this Article may request that the fine be reduced if the witness can demonstrate that the amount is disproportionate to his/ her means.

Article 44 **Testimony**

1. A person who is to provide testimony shall not be present during any oral submissions or during the testimony or examination of any other witness, unless such person is a party.

2. The parties shall have the right to be present during the testimony and examination of witnesses.

3. At the beginning of the examination, the identity of a witness shall be established by the Single Judge or the Presiding Judge. The witness shall be informed of the criminal consequences of giving false evidence and shall be required to take an oath or solemn declaration that the testimony given by the witness is true.

4. After the witness has given his/her testimony, questions may be put to the witness by the judge(s). Subject to the control of the Single Judge or Presiding Judge, questions may also be put to witnesses by the lawyers of the parties.

5. A witness may refuse to give evidence on:

5.1. statements made by or to the witness during a religious confession;

5.2. if the witness is a doctor of medicine, a lawyer or a licensed professional practitioner of some other occupation where the maintenance of confidentiality with respect to client communications is essential to the proper practice of that profession:

5.2.1. statements made to the witness by a patient/client or by the witness to a patient/client, whether orally or in writing, but only to the extent such statements are directly connected to the performance of professional services by the witness for the patient/client; and

5.2.2. information obtained by the witness about a patient/client if such information was obtained for a purpose directly connected to the performance of professional services by the witness for the patient/client;

5.3. information that would tend to incriminate the witness, the witness's spouse, or the children or parents of the witness or the witness's spouse.

6. The Single Judge or Presiding Judge shall inform witnesses of their right to refuse to give evidence as indicated in paragraph 5 of this Article.

7. Before giving evidence the witness shall take the following oath: "I, _____, solemnly declare that I shall speak the truth, the whole truth and nothing but the truth."

8. The court recorder shall take verbatim minutes in order to accurately reflect the statement of the witness. The minutes shall be signed by the Single Judge or Presiding Judge and by the court recorder.

Article 45

Appointment of Independent Experts

1. The judge(s) in the concerned case or proceeding may, on the judge(s)' own initiative or the application of a party, appoint an independent expert to prepare an expert report and to testify on factual matters that are material to the case or proceeding. The order appointing an expert witness shall define the expert's tasks and set a time-limit within which the expert witness is to prepare the concerned report.

2. A person may not be appointed or serve as such an independent expert in any case or proceeding if he or she:

2.1. has previously taken part, directly or indirectly, in such case or proceeding in any capacity;

2.2. has previously been engaged as an employee or contractor by one of the parties;

2.3. is related by blood or marriage to any of the parties or, in the case of a party that is an undertaking or other body, is related by blood or marriage to a person who is an employee, contractor or owner, who is a member of the board of such entity or who holds major managerial functions in such entity;

2.4. has or acquires a direct or indirect interest in any entity that has asserted a right or interest in an undertaking that is party to the proceedings; or

2.5. has any other identifiable relationship, affiliation, position or pecuniary interest that could reasonably be expected to impair his/her ability to discharge his/her expert duties in an independent, unbiased and professional manner.

3. A court-appointed independent expert shall receive a copy of the order, together with all evidence in the court's possession material to carrying out the expert's task. The expert shall be under the supervision of the judge(s) in the case or proceeding.

4. The judge(s) in the case or proceeding shall require the parties to pay a deposit with the Registry of the Special Chamber in an amount sufficient to cover the estimated reasonable fees and expenses related to the preparation of the report by the expert witness.

5. Court-appointed experts may give their opinion only on those factual issues that have been expressly referred to them by the concerned order.

6. A court-appointed expert shall submit copies of his/her written report directly to the concerned judge(s) and to the Registry, which shall immediately serve copies of such report on the parties.

7. The judge(s) shall require the expert to be examined at a hearing. The judge(s) may put questions to the expert witness. Subject to the control of the Single Judge or Presiding Judge, questions may also be put to the expert by the lawyers of the parties.

8. Before taking up their appointment, an expert witness shall be required to take or make the following oath:

"I, _____, solemnly declare that I shall conscientiously and impartially carry out my task; that I have no relationship, affiliation, position or pecuniary interest that will impair my ability to discharge my duties in an independent, unbiased and professional manner. I shall provide to the Court copies of all the evidence upon which I shall base my opinion; that I shall base my opinion only on facts that I believe to be true; and that I honestly and in good faith shall hold the opinion that I provide to the Court."

9. The selection of an expert witness by the judge(s) shall not be subject to the Law on Public Procurement of Kosovo. Nevertheless, the judge(s) shall select, from the available experts who are not ineligible under paragraph 2 of this Article, that expert who is most qualified to render the concerned opinion. The judge(s) shall also ensure that any arrangement with respect to the payment of the fees and expenses of the expert is reasonable.

Article 46

Objections against Witnesses and Expert Witnesses

1. Any party may object to the eligibility and professional competence of any proposed witness or expert by requesting the judge(s) hearing the concerned case or proceeding to bar the witness or expert from providing evidence, either entirely or partially on a specific matter.

2. Any party may also object to any part of the testimony or other evidence given or produced by a witness or expert on the grounds that such testimony or evidence is not relevant or material or that the witness or expert is not competent to give such testimony or provide such evidence. Such an objection may be made either before or after the testimony is given or the evidence produced. If the objection is made before the concerned testimony is given or the evidence is produced, the judge(s) may – if they find the objection to be well-founded - bar the witness or expert from providing the concerned testimony or evidence. If the objection is made after the concerned testimony has been made or after the concerned evidence has been produced, the judge(s) may – if they find the objection to be well-founded - order that the concerned testimony and/or evidence to be disregarded and stricken from the record.

3. The party making such an objection shall be required to state its reasons for such objection. Every other party shall be given an opportunity to support or oppose the objection and to provide their reasons for such position; provided, however, that if the objection is raised during the conduct of a hearing, only the parties present at such hearing shall be given such opportunity.

4. An objection to a witness or to an expert must be raised promptly.

5. The judge(s) may, at any time, require the parties to make written submissions on an objection that has been raised. If the judge(s) take such action, the parties shall be given no more than five (5) business days to make such submissions. The objection shall be upheld until such time as the judge(s) issue a Decision on the objection, and such Decision shall be issued within five (5) business days after the deadline for the parties written submissions.

6. Except as provided in paragraph 5 of Article 44 of this law, if any person appears or is brought before the court to serve as a witness or an expert, and such person refuses to testify or produce evidence or answer a question when ordered by the court, or refuses to make an oath or solemn declaration when ordered by the court, the judge(s) in concerned case or proceeding shall impose upon such person a fine of not less than one thousand Euros (1, 000 €) and not more than five thousand Euros (5,000 €), find the witness to be in contempt of court, and issue an arrest warrant requiring law enforcement to detain such person until such person agrees to comply with, and does comply with, the concerned order. However, this paragraph shall not apply however where there is a reasonable basis to believe that the requirement to provide such testimony or evidence would, violate a constitutionally protected right of the witness

Article 47

Reimbursement of Witnesses and Experts

1. Witnesses and experts shall be entitled to reimbursement of their reasonable travel and other expenses. The judge(s) in the concerned case or proceeding may authorize the Registry to require the party to make advance payments to a witness or experts for such expenses.

2. Witnesses shall be entitled to compensation for documented loss of earnings, and experts shall be entitled to a reasonable fee for their services. Such compensation or fee shall be paid

only after the judge(s) in the concerned proceeding or case have certified to the Registry that the witness or expert has fulfilled his/her obligations to the court and authorized the payment of such compensation or fee. The amount to be paid shall be determined by the judge(s) in the concerned case or proceeding and specified in the payment authorization provided to the Registry.

Article 48

Production of Documents or other Physical Evidence

1. A party may offer physical evidence by producing documents or physical items in the party's possession or control.
2. If a party has or obtains a document that is material to the determination of a factual issue in the case or proceeding, that party is required to submit the original thereof – or if the party does not possess the original, a copy – to the court at the earliest practicable stage in the proceedings. Where a copy is submitted, the judge(s) in the case or proceeding may order the person in possession of the original, if known, to submit such original to the court or to appear at a hearing and to produce such original at the hearing.
3. If a party has or obtains a physical item, other than a document, that is material to the determination of a factual issue in the case or proceeding, that party is required to submit such item or a photograph thereof to the court at the earliest practicable stage of the proceedings. The judge(s) in the case or proceeding may order the party in possession of the item to produce such item at a hearing.
4. If evidence for a particular fact is contained in a document or physical item that a party believes is in the possession or control of another party or person, such party may make a written request to the court for an order compelling such other party or person to submit the document or item to the court or an affidavit under oath denying that such other party or person has possession or control of such document or item and providing any information that such other party or person may have with respect to the location of such document or item.
5. If a party or person fails to comply with an order issued under paragraph 4 of this Article fails to produce the document or item or to otherwise respond to the order within the time specified in the order, the court shall impose the applicable penalties specified in paragraph 6 of Article 43 and paragraph 6 of Article 46 of this law.

Article 49

Site visit and spot observation

1. Site visit and spot observation may be requested upon the application of any party where the fact to be proven cannot be proven by means of witness examination, expert reports or the presentation of documents or other physical items.
2. Evidence by the way of site visit and spot observation shall be offered by the party that bears the burden of proof for a particular fact through identification of the particular site or object and the fact that shall be proven by such visit or inspection.
3. If the site or object is in the possession of a person not party to the proceedings, the party bearing the burden of proof may apply for an order against such person to grant access to the site or object concerned.

Article 50

Public Hearings

Hearings shall be open to the public. The single judge or presiding judge may order that the public be excluded from a hearing, provided that such exclusion is warranted by the safety of

any of the parties or of their lawyers or by considerations of public safety and order.

Article 51

Orderly Conduct at Hearings

1. Any party, lawyer, witness or other participant in oral proceedings whose conduct towards the Special Chamber, a judge or the Registrar or any other officer of the Special Chamber is incompatible with the dignity of the Special Chamber, or who acts offensively towards another party or such party's lawyer, or who uses his/her rights for purposes other than those for which they were granted, may at any time be excluded from the proceedings by an order from the Special Chamber. The person concerned shall be given the opportunity to defend himself or herself. The order shall have immediate effect.

2. Where a lawyer for a party is excluded pursuant to paragraph 1 of this Article, the proceedings shall be suspended for a period fixed by the Single Judge or the Presiding Judge in order to allow the party concerned to appoint a new lawyer.

3. The Single Judge or Presiding Judge may exclude from oral proceedings any observer, whose conduct is incompatible with the dignity of the Special Chamber or who disturbs the oral proceedings.

Article 52

Notice of Hearing

1. The parties shall be summoned to the first hearing by written notice. The notice shall contain the date, time and venue of the hearing and shall be served on the parties no later than two (2) weeks before the date of the hearing.

2. Upon application by any of the parties, the Single Judge or Presiding Judge shall postpone a hearing, if the party shows that it is prevented from appearing at the hearing for an important reason. The other party may be given an opportunity to comment on the request. The Single Judge or Presiding Judge shall decide on the postponement of the hearing and such decision shall be served on the parties. When granting a request for postponement, the Single Judge or Presiding Judge may order that the requesting party pay the costs which that party has caused the other party or parties to incur.

Article 53

Proceedings at Hearings

1. The Single Judge or Presiding Judge shall be responsible for the proper conduct of the hearing. At the beginning of each hearing, the Single Judge or Presiding Judge shall ascertain the attendance of the parties and their lawyers.

2. A party that is represented in a proceeding by a lawyer may address the Special Chamber only through him, unless a judge puts a question directly to a party.

3. After the opening of the first hearing, the Single Judge or Presiding Judge shall give a short introduction to the claim, giving particular regard to the facts in dispute. The parties may be given the opportunity to give a brief oral presentation of their arguments. The parties shall confine their presentations to facts and legal issues material to the claim.

4. The judge(s) shall then conduct evidentiary proceedings for the collection and examination of evidence.

5. The parties shall be given an opportunity to present oral submissions on facts and law material to the claim. The Special Chamber may limit the period of time allocated to each party for such submissions.

6. Once the parties have presented their closing oral submissions, the oral proceedings shall end. Whenever possible, oral proceedings shall take place during a single hearing. Additional hearings shall be scheduled only if all evidence and submissions could not be presented at one hearing.

7. The respective official for legal support shall ensure that minutes of all sessions are taken. Such minutes shall be signed by the litigant parties and by the Single Judge, respectively by the respective Presiding Judge.

CHAPTER XIII JUDGMENT

Article 54 Judgment

1. A decision of the Special Chamber adjudicating a claim shall be set forth in a Judgment which shall meet the requirements of Articles 9 and 10 of the Special Chamber law. The Special Chamber shall base a judgment upon an analysis of the evidence and the written and oral submissions presented during proceedings and the law of Kosovo into force.

2. Any relief awarded by the Special Chamber shall not exceed the relief sought by the Claimant.

3. If the Respondent accepts the claim, the Special Chamber shall deliver a judgment in favor of the claimant.

4. An original of the Judgment, signed by the single judge or the judge presiding over the case, shall be stamped and deposited at the Registry. Each party shall be served with a copy of the judgment within five (5) business days of its adoption.

5. The Judgment shall be in Albanian or Serbian, depending on the official language chosen by the parties in the proceeding. In case the parties have chosen both of these languages, the Special Chamber shall issue the judgement in both languages.

6. The Judgment shall be binding from the day of its service on the parties, and shall be enforceable as a final judgment of the Appellate Panel of the Special Chamber of the Supreme Court of Kosovo according to the provisions of the law of Kosovo.

Article 55 Rectification of the judgement

In case of errors in names and numbers, as well as other errors in writing and calculation, missing in the aspect of the form of judgement and non-compliance of the copy with the original of the judgement, the Special Chamber shall, upon its own initiative or upon the request by the parties, rectify the judgement in any time. In case of the rectification of the judgement, the single judge, respectively the panel, shall apply the provisions of the Law on Contested Procedure *mutatis mutandis*.

Article 56 Omissions

1. If the Special Chamber omits to give a decision on a specific part of a claim or on costs, any party may, within fifteen (15) days of service of the judgment, apply to the Special Chamber to supplement its judgment.

2. The application for a supplement to the judgment shall be served on the opposing parties, and the Single Judge or Presiding Judge shall prescribe a period within which the parties may

file opposing arguments in writing, if any. After the expiry of the prescribed period, the Special Chamber shall decide on the application.

Article 57
Publications of Decisions

The official for the management of cases shall publish on the Special Chamber's web-site all Decisions and Judgments issued by any panel or Single Judge. The publication shall be in Albanian or Serbian, depending on the official language chosen by the parties in the proceedings.

CHAPTER XIV
DEFAULT JUDGMENTS

Article 58
Default Judgment

1. If a Respondent does not appear at a hearing for which it has duly and timely received notice, the concerned judge(s) may, acting ex officio or upon application of the Claimant, render a default Judgment against the Respondent.

2. If a duly summoned Claimant fails to appear at a hearing or otherwise abandons the proceedings, the concerned judge(s) may, upon application of the Respondent, render a default Judgment against the Claimant dismissing the claim and ordering the Claimant to pay all costs of the proceedings.

3. Before granting a default Judgment to a Claimant, the concerned judge(s) shall consider whether the following criteria have been met:

3.1. the claim is admissible;

3.2. the facts alleged by the Claimant support the claim;

4. A default Judgment shall be enforceable as a final Judgment, unless or until set aside pursuant to Article 59 of this law. A default Judgment cannot be appealed.

5. The Special Chamber may postpone enforcement of a default Judgment until it has given its decision on any application to nullify the default Judgment.

Article 59
Application to Nullify a Default Judgment

1. Any party against whom a default judgment was issued by the Special Chamber may file an application with the Special Chamber to nullify the default Judgment.

2. An application to nullify a default Judgment must be made within one month of the date of service of the default Judgment on the concerned party. The application shall be served on the other parties.

3. After the application has been served, the Presiding Judge or single judge shall prescribe a period within which the other party may submit an opposing argument in writing, if any.

4. In making its Decision on an application to nullify a default Judgment, the Special Chamber shall:

4.1. uphold the default Judgment and reject the application for its nullification; or

4.2. nullify the default Judgment and order the continuation of the proceedings.

5. A Decision on an application to nullify a default Judgment shall be attached to the original of the default Judgment and a copy of the Decision shall be served on the parties.

6. Any Decision on an application to nullify a default Judgment can be appealed at the Appellate Panel.

CHAPTER XV PROVISIONAL REMEDIES

Article 60 Suspension of Enforcement of a Penalty

Upon application by a party to set aside a penalty imposed by the Agency pursuant to Article 27 of the Law on the Privatization Agency of Kosovo, the Special Chamber may suspend the enforcement of the penalty, pending the final decision on the claim.

Article 61 Security measures

1. Upon the submission of the proposal by a party, the Special Chamber may install a security measure provided that gives credible evidence on the existence of a claim or his subjective right and that irreparable damage will result to the party if the security measure is not granted. Damage shall only be deemed to be “irreparable” if it cannot reasonably be compensated with an award of monetary compensation. The proposal for the instalment of the security measure is to be submitted together with a claim, or if submitted subsequent to a claim/lawsuit that has been filed, then it shall refer to that claim/lawsuit.

2. The Special Chamber may issue a decision on the proposal for instalment of the security measure without holding a hearing session and after the other party has had an opportunity to file opposing arguments in writing. Where exigent circumstances exist requiring the Special Chamber to act immediately regarding the proposal, then the Special Chamber may decide on the proposal for the instalment of the security measure without serving the proposal to the other party. The security measure shall be installed only for a limited period of time and may be extended upon application.

3. Decision on instalment of the security measure shall be done in writing and shall:

3.1. summarize the factual and procedural background of the proceedings, as far as they relate to the security measure;

3.2. state the nature of the damage the applicant party will suffer if the security measure is not installed and the reasons why the Special Chamber determined such damage to be irreparable;

3.3. provide the Special Chamber’s findings of fact and legal reasoning for approval of the proposal for the instalment of the security measure; and

3.4. specify the time at which the security measure will expire.

4. The Special Chamber may, before the instalment of the security measure, require the applicant to deposit with the Special Chamber monetary security in such amount as the Special Chamber deems appropriate for the reimbursement of the costs and damages that may reasonably be incurred or suffered by any party that is the subject to the security measure and who may subsequently be determined to have been wrongfully subjected to the security measure.

5. Decision on the instalment of the security measure shall be binding upon all parties and may be immediately appealed to the Appellate Panel.

CHAPTER XVI COSTS

Article 62 Decision on Costs

1. A final Judgment on a claim or appeal shall include a decision with respect to the allocation of the costs of the case among the parties.
2. The unsuccessful party shall be ordered to pay such costs as may be determined in the final Judgment. If there are several unsuccessful parties, the Special Chamber shall decide on how the costs are to be shared.
3. Where each party succeeds on some claims and fails on others, or in exceptional circumstances, the Special Chamber may order that the costs be shared or that the parties bear their own costs.
4. The Special Chamber may order a party, even if successful, to pay any costs that the Special Chamber considers that party to have unreasonably caused another party to incur.
5. If costs are not claimed by the successful party or the Special Chamber so decides, each party shall bear its own costs. Where a claim does not proceed to Judgment the costs shall be apportioned as agreed between the parties, or if not agreed, at the discretion of the Special Chamber for apportionment of costs.

Article 63 Calculation of Costs

1. The calculation of costs shall include court expenses, lawyer fees, compensation for loss of earnings of witnesses, reasonable fees of experts, reasonable travel and other reasonable expenses of witnesses and experts, as incurred.
2. If official tariffs have been sent for any of the costs identified in paragraph 1 of this Article, the Special Chamber shall calculate such costs according to the official tariffs.

CHAPTER XVII APPELLATE PROCEEDINGS

Article 64 General Provisions

1. As provided in paragraph 6 of Article 9 of the Special Chamber Law, a party shall have the right to appeal any Decision or Judgment of a Single Judge or Panel established pursuant to paragraph 9 of Article 4 of the present law – or of any court to which a claim, matter, proceeding or case has been referred pursuant to paragraph 4 of Article 5 of the Special Chamber Law - directly to the Appellate Panel.
2. The rules of work and evidence that govern proceedings at first instance of the Special Chamber shall apply mutatis mutandis to appellate proceedings before the Appellate Panel. The Presiding Judges of the Appellate Panel may issue practice directions, in consultation with the President of the Supreme Court, addressing detailed aspects of the conduct of proceedings before the Appellate Panel.

Article 65

Filing of Appeal

1. A party making an appeal shall submit and serve its appeal in the manner and within the time period prescribed by paragraph 6 of Article 9 of the Special Chamber Law within the time periods specified in that paragraph.
2. Upon receipt of the notice of appeal, the court, the Single Judge or the respective Panel that has issued the concerned Decision or Judgment shall transmit the case file to the Appellate Panel.

Article 66

Content of Appeal

1. The appeal shall:
 - 1.1. identify the case or proceeding in which the Judgment or Decision that is the subject of the appeal was issued;
 - 1.2. provide the name of the appellant and the name and address of the appellant's agent for service;
 - 1.3. provide the names of the other parties and the names and addresses of the other parties' agents for service;
 - 1.4. provide the date on which the appellant was served with the Decision or Judgment that is the subject of the appeal;
 - 1.5. provide a very brief summary of the nature of the appeal;
 - 1.6. attach a copy of the Decision or Judgment that is the subject of the appeal.
 - 1.7. specify any case name and number that may have been assigned by the Appellate Panel to the appeal;
 - 1.8. set forth in detail the issue(s) being raised in the appeal and appellant's legal arguments on those issue(s);
 - 1.9. set forth in detail the nature of the relief sought by the appellant, taking into account the provisions of paragraphs 10 and 11 of Article 9 of the Special Chamber Law and Article 10 of the Special Chamber Law.
2. Within ten (10) days after receipt of the appeal, the Appellate Panel shall make the determination required by paragraph 9 of Article 9 of the Special Chamber Law. If the Appellate Panel decides that the appeal does not merit review, it shall reject the appeal by issuing and serving a Decision to that effect that complies with the requirements of paragraph 9 of Article 9 of the Special Chamber Law. If such a Decision is issued, the appellate proceedings shall terminate. If the Appellate Panel determines that the appeal merits review, it shall issue and serve a Decision to that effect on the parties.

Article 67

Response to Appeal

1. As provided in paragraph 8 of Article 9 of the Special Chamber Law, any party may submit a response to the appellant's appeal within fifteen (15) days after such party is served with the appellant's Appeal.

2. The response to the appeal shall:

- 2.1. specify any case name and number that may have been assigned by the Appellate Panel to the appeal;
- 2.2. provide the name of the respondent and the name and address of the respondent's agent for service;
- 2.3. provide the names of the appellant and the other parties and the names and addresses of their agents for service;
- 2.4. provide the date on which the respondent was served with the appeal;
- 2.5. set forth in detail the respondent's legal arguments that respond to those contained in the appeal;
- 2.6. set forth in detail the nature of the relief sought by the respondent, taking into account the provisions of paragraphs 10 and 11 of Article 9 of the Special Chamber Law and Article 10 of the Special Chamber Law.

Article 68

Closing of written proceedings after the appeal

1. Written proceedings after the appeal are closed:

- 1.1. if there is not submitted a response to the appeal within the legal time frame;
- 1.2. if there has not been submitted a response to the appeal, but the complainant has not submitted any response thereto within the legal time frame, in those cases when it is possible according to Article 38 paragraph 3 of this Law;
- 1.3. after the legal time frame has expired in such cases when the submission of a counter response is applicable according to Article 38, paragraph 3 of this Law.

Article 69

Oral Appellate Proceedings

1. The Appellate Panel shall, on its own initiative or the written application of a party, decide to whether or not to hold on one or more hearing sessions on the concerned appeal. The Appellate Panel shall take into account any application for oral proceedings submitted by any of the parties setting forth its reasons for requesting oral proceedings. Such an application shall be filed prior to the closing of written appellate procedures.
2. During hearings, the appellate panel shall be presided over by its Presiding Judge. The Presiding Judge shall be responsible for the proper conduct of the hearing. At the beginning of each hearing, the Presiding Judge shall ascertain the attendance of the parties and their lawyers.
3. A party that is represented in a proceeding by a lawyer may address the Appellate Panel only through its lawyer, unless a member of the Appellate Panel puts a question directly to a party.
4. At the opening of the hearings, the Presiding Judge shall give a short introduction to the appeal, the legal issues in dispute and any finding of fact made by the issuer of the concerned Decision or Judgment that a party has alleged to be "clearly erroneous".
5. At a hearing, the parties shall be given the opportunity to give oral presentations of their legal arguments. The parties shall confine their presentations to the facts and evidence reflected in

the record that are material to the appeal and to the legal issues that are material to the appeal. The Appellate Panel may impose a reasonable limit on the period of time allocated to each party for such presentations.

6. Except as specifically permitted pursuant to Article 70 of this Law, the judge(s) shall not conduct evidentiary proceedings.

7. The Registrar shall ensure that verbatim minutes of all oral appellate hearings are taken and recorded by the court reporter. Such minutes shall be signed by the Presiding Judge.

Article 70 **Submission of New Evidence**

In exceptional circumstances and for good cause shown, the Appellate panel may permit a party to present to the Appellate Panel new evidence that was not available to the party during the evidentiary portion of the first instance proceedings. A written application for such permission must first be submitted to the Appellate Panel and served on the other parties not less than fifteen (15) days before the date of the hearing where such evidence is proposed to be presented. The Appellate Panel may authorize the presentation of such new evidence if it considers it to be in the interests of justice.

Article 71 **Costs**

1. In its Decision or Judgment on an appeal, the Appellate Panel shall make a decision as to costs, both as to the proceedings at first instance and at appeal. The provisions of Articles 62 and 63 of this law shall apply *mutatis mutandis*.

2. In its decision on costs the Appellate Panel shall calculate separately costs for the proceedings at first instance and at appeal.

CHAPTER XVIII

APPEALS UNDER PARAGRAPH 1.6 OF ARTICLE 5 OF THE SPECIAL CHAMBER LAW

Article 72 **Appeals Related to a List of Eligible Employees**

1. Unless specifically provided in this Article, the procedure for cases based on appeals falling within the scope of paragraph 1.6 of Article 5 of the Special Chamber Law shall generally follow the other procedural rules set forth in this law which are applied by the Special Chamber *mutatis mutandis* as the Special Chamber deems necessary and in the interest of justice.

2. Upon receiving a list of eligible employees pursuant to Article 10 UNMIK Regulation 2003/13, or any successor legislation governing the establishment of such a list, the Agency shall publish such list together with a notice to the public of the right of any person to file an appeal with the Agency within twenty (20) days after the date of publication requesting inclusion in such list and/or challenging the inclusion of one or more other persons in such list. The person filing any such request or challenge shall include therein a statement of the facts and the legal arguments supporting such request or challenge; such person shall have the burden of proving all facts alleged in the request and/or challenge.

3. The notice to the public referred to in paragraph 2 of this Article shall contain a copy of a form for filing a request and/or challenge. Such form shall indicate the information that must be provided to enable the Agency to evaluate the request and/or challenge.

4. Upon receipt of any request and/or challenge relating to a list of eligible employees, the Agency may require the submitter to provide such additional evidence and/or information as may be necessary to enable the Agency to properly evaluate the requests and/or challenge. The Agency may decide to conduct evidentiary hearings, which shall be duly recorded, for all who wish to give testimony or provide other evidence. After a reasonable opportunity has been provided for the giving of testimony and the submission of evidence, the Agency shall allow any person or his/her lawyer to present arguments in support of the request and/or challenge.

5. After having duly addressed all requests and challenges, the Agency shall if necessary adjust the list of eligible employees accordingly, and by a decision of its Board of Directors in conformity with Article 10.2 of UNMIK Regulation 2003/13, or any successor legislation governing the establishment of such a list, the Agency shall officially establish its final list of eligible employees. Such decision shall contain a reasoned justification:

- 5.1. for the inclusion of each person on the list;
- 5.2. for the exclusion of any person who was on the list as originally published;
- 5.3. for any refusal to include a person who sought to be included on such list after its original publication; and
- 5.4. for any acceptance or refusal of any other challenges to the list.

6. The Agency shall publish its final list of eligible employees established pursuant to paragraph 5 of this Article in conformity with Article 10.6 of UNMIK Regulation 2003/13, or any successor legislation governing the establishment of such list, together with a notice to the public of the right of any person to file a complaint with the Special Chamber within twenty (20) days after the date of publication challenging such list and/or the Agency's distribution of escrow funds to the persons identified therein. The complainant(s) filing any such complaint shall include therein a statement of the facts and the legal arguments supporting such complaint; the complainant(s) shall have the burden of proving all facts alleged in the appeal.

7. The unsatisfied party with the final list, regardless of whether it has complained or not on the preliminary list, shall have the right to submit a complaint before the Special Chamber in writing before the expiration of the twenty (20) day period of time and the complaint shall:

- 7.1. provide the name or names of the person or persons submitting such appeal or on whose behalf the appeal is submitted;
- 7.2. provide the name and address of each such person's agent for service;
- 7.3. set forth a detailed statement of the facts supporting such appeal; and
- 7.4. provide a detailed statement of the legal arguments supporting such appeal.

8. A copy of any such appeal shall be served by Official for the management of cases of the Special Chamber on the Agency within five (5) business days after it is submitted to the Special Chamber.

9. The Agency shall be a Respondent in any case or proceeding based on such a appeal. The Agency shall submit to the Special Chamber, within fifteen (15) business days after being served with such a appeal, its response to the appeal together with all documents in the possession of the Agency that directly relate to its establishment of such list. The Agency shall submit its response and such documents in the official language of the appeal as chosen by the party in the procedure.

10. A copy of the response and documents submitted by the Agency shall be served by the

Registrar of the Special Chamber on the complainant(s) within five (5) business days after their submission to the Special Chamber.

11. The concerned Single Judge, who has been assigned with the case, acting on its own initiative or pursuant to a written request of the complainant(s) or the Agency, may decide to hold one or more hearings on the matter. If a hearing is to be held, the Single Judge shall cause the Registrar to serve on the parties, at least five (5) days in advance of such hearing, a written notice of the time and date of such hearing.

12. The Special Chamber shall arrange, if necessary, for the translation of the appeal into the opposite language of that submitted and any of its subsequent submissions made by the complainant, if such an action is necessary for the parties to the proceeding. Such translations shall be served on the complainant(s) and the Agency as soon as they are available. If a hearing is to be held where the concerned documents are to be discussed, such hearing shall be held no sooner than seven (7) days after the translations have been served on the parties.

13. The Judgment of the concerned Single Judge shall be issued and served on the complainant(s) and the Agency not later than ninety (90) days after the date on which the appeal was submitted to the Special Chamber. All Decisions and Judgments of such Single Judge shall be appealable in accordance with the applicable provisions of the Special Chamber Law.

14. The Appellate Panel shall dispose of all such appeals as a matter of urgency.

CHAPTER XIX REORGANIZATION AND LIQUIDATION PROCEEDINGS

Article 73 Reorganization and Liquidation Proceedings

The procedure for challenges to decisions taken by the Agency, its predecessor (the KTA), an Administrator, or a liquidation committee pursuant UNMIK Regulation 2005/48 or Law No. 04/L-035 on Reorganization of Certain Enterprises and their Assets, or any successor legislation thereto shall be governed by such Law or successor legislation (whichever is then in effect). The conduct of cases or proceedings with respect to such challenges shall, in the first instance, be assigned to a Single Judge pursuant to the rules on case allocation. With respect to matters not covered in such Law or successor legislation, the most appropriate provisions of this law shall be applied *mutatis mutandis*.

Article 74 Review of Liquidation Authority Decisions

1. The procedure before the Special Chamber for a challenge to the decision of a Liquidation Authority conducting the liquidation of an Enterprise or Asset pursuant to the Law on the Privatization Agency of Kosovo shall be governed by this Article.

2. A creditor of the Enterprise who has timely filed a claim with the Agency and who is prejudiced by a decision of a Liquidation Authority may challenge such decision by filing an appeal against the Agency with the Special Chamber within thirty (30) days after being served with such decision. Any such appeal must be based on an allegation that the liquidation process has not complied with the Law on the Privatization Agency of Kosovo. The complainant shall comply with the requirements of paragraph 2 of Article 35 of this law and attach a copy of the decision being challenged.

3. The conduct of cases or proceedings with respect to such appeals shall, in the first instance, be assigned to a Single Judge in accordance with the rules set out for case allocation.

4. The other general procedural provisions contained in Articles 22 - 63 of this law shall apply to cases and proceedings based on such appeals. The concerned Single Judge or when applicable the Panel, may issue a Judgment upholding, invalidating or modifying the decision of the Liquidation Authority.

CHAPTER XX TRANSITIONAL AND FINAL PROVISIONS

Article 75 Extensions of Specified Time Limits

Any single judge or panel may, but only in exceptional circumstances and only for very good cause shown, extend any time limit or period provided for in this law for any period of time that is reasonable under the circumstances.

Article 76 Conflicts and Interpretation

1. The provisions of the present Law shall prevail over any inconsistent provision in any other regulation, law or piece of secondary legislation. However, that in the event of any conflict between the present law and Law No. 04/L-035 on the Reorganization of certain enterprises and their assets or any successor legislation thereto, the latter legislation shall prevail.

2. Upon entry into force of the present law, the President of the Supreme Court in close cooperation with the Supervising Judge of the Special Chamber and the Administrator of the Special Chamber, shall immediately undertake all steps necessary for the reorganization of work at the single judges and panels and the re-assignment of cases to each judge.

3. In interpreting and applying this law, where necessary to resolve a procedural issue not sufficiently addressed in this law, the Special Chamber shall apply, *mutatis mutandis*, the relevant provision(s) of the Law on Contested Procedures.

Article 77 Repeal of previous laws

1. Upon entry into force of this law, the following are repealed:

1.1. The Law No. 04/L-033 on the Special Chamber of the Supreme Court on Privatization Agency Related Matters (Official Gazette 20/22 September 2011, Pristina); provided, however, that if a case pending before the Special Chamber on the effective date of this law has already closed the written proceedings and the proper adjudication of that case requires the continued application of procedural provisions of Law No. 04/L-033 on the Special Chamber, then Special Chamber may apply such procedural provisions to the extent necessary to achieve such adjudication.

1.2. Law No. 04/L-246 on Amending and supplementing Law no. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (OG. No. 20/02 April 2014, Pristina);

1.3. Law No. 05/L-127 on Amending and supplementing Law no. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters, amended and supplemented by Law No. 04/L-246 (OG. No. 13/21 April 2017, Pristina);

1.4. Article 6 of Law No. 04/L-115 on Amending and Supplementing the laws related

to the ending of international supervision of independence of Kosovo (OG. No. 25/07 September 2012, Pristina)

1.5. Article 6 of Law no. 04/L-273 on Amending and supplementing the laws related to the Mandate of the European Union Rule of Law Mission in the Republic of Kosovo (OG. No. 32/15 May 2014, Pristina).

1.6. Chapter IV, Article 10 of Law no. 05/L-103 on Amending and supplementing the laws related to the Mandate of the European Union Rule of Law Mission in the Republic of Kosovo (OG. No. 21/29 June 2016, Pristina).

Article 78
Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosovo.

Law No.06/L - 086
30 May 2019

Promulgated by Decree No.DL-127-2019, dated 21.06.2019 President of the Republic of Kosovo Hashim Thaçi.

