

8th Assembly of the EULEX Judges

Prizren, 9 December 2009

RESOLUTION

Based on Art. 4.10 of the Law No. 03/L-053 on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo – LoJ - and Art. 8 of the Rules of the Assembly of the EULEX Judges, the Assembly

r e c o m m e n d s

to the EULEX Judges, Legal Officers and Legal Advisors

to construe the term “property related civil cases” in Art. 5.1 c) of the LoJ as to have the following meaning:

-Immovable property and “mixed” (concerning, apart from immovable property, an/some additional subject-matter/s of the claim, such as movable property or physical integrity) cases

-where there is contested

(1) a right in rem as e.g. regulated in the Law on Basic Property Relations (Official Gazette of the SFRY No. 6/80 as published in the KLC Compilation III, December 2000) and the Law No. 03/L-154 On Property and Other Real Rights (Official Gazette of the Republic of Kosova No. 57, 4 August 2009, p. 1),

(2) an occupancy right in the sense of the Law on Housing Relations (Official Gazette of the SAPK No. 11/83, 29/86, 42/86 as published in the said KLC Compilation) or

(3) other rights of use of socially or state owned property in the sense of section 2.2 (d) of the Law No. 2002/5 on the Establishment of the Immovable Property Rights Register (Official Gazette of the Republic of Kosova No. 34, 1 August 2008, p. 54)

-including compensation claims based on the violation or loss of one of the aforementioned rights or on the illegal hindrance to acquire such a right.