

9<sup>th</sup> Assembly of the EULEX Judges

Peje/Pec, 11<sup>th</sup> March 2010

**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

recommends

panels established pursuant to Art. 5.2 2<sup>nd</sup> sentence and Art. 5.5 of the Law on the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo (LoJ) to adjudicate cases in the sense of Art. 5.1 c) of the LoJ at Supreme Court level to be composed as follows:

**1) THREE PROFESSIONAL JUDGES**

- Appeals filed against district court and economic district court decisions, regardless of whether the Code of Civil Procedure of the SFRY (CCP) or the Law on Contested Procedure (LCP) is applicable and regardless of whether an oral hearing is held.
- Repeating Procedures filed under the regime of the LCP if the request refers to first instance district court decisions.
- Request for the Protection of Legality if the request refers to final municipal, district and economic district court decisions and the LCP is applicable.
- Revisions filed under the regime of the LCP against appellate district court decisions.

-Decisions taken to solve Conflicts of Jurisdiction, regardless of whether the CCP or the LCP is applicable.

## **2) FIVE PROFESSIONAL JUDGES**

-Appeals filed pursuant to Art. 240.4 of the LCP in Repeating Procedures if the request refers to first instance district court decisions.

-(if "possible") Requests for Retrial/Repeating Procedures referring to Supreme Court decisions regardless of whether the CCP or the LCP is applicable.

-Requests for an order of Certiorari filed under the regime of the CCP

-Requests for the Protection of Legality filed under the regime of the LCP if the request refers to Supreme Court decisions.

-Reviews filed under the regime of the CCP.

-Revisions filed under the regime of the LCP and referring to Supreme Court appellate decisions.