

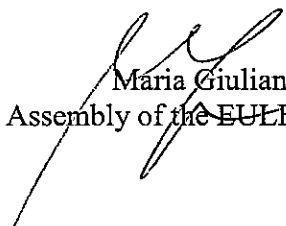
On the occasion of the Ninth Assembly of the EULEX Judges, held
in Peje/Pec on 11 March 2010

The Assembly composed of the following Judges:

Maria Giuliana Civinini, President of the Assembly of EULEX Judges; Gerrit-Marc Sprenger, Anna Bednarek, Arkadiusz Sedek, Charles Smith, Gabriele Gaube, Emilio Gatti, Esma Erterzi, Francesco Florit, Guy Van Craen, Harri Katara, Klaus Jung, Klaus Huner, Johanna Schokkenbroek, Laura Plesa, Nikolay Entchev, Piero Leanza, Richard Winkelhofer, Rositza Buzova, Torsten Koschinka, Vitor Pardal, Vladimir Kanev, Verginia Micheva-Ruseva.

Adopts the DECISION

Unanimously, to approve the present Recommendation on the definition of “property related cases”.


President of the Assembly of the EULEX Judges

RECOMMENDATION

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.