LAW NO. 04/L-139
ON ENFORCEMENT PROCEDURE

Assembly of Republic of Kosovo,

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

Approves:

LAW ON ENFORCEMENT PROCEDURE

CHAPTER I

TITLE I

GENERAL PROVISIONS

Article 1
Purpose and scope of the law

1. This law shall provide for the procedure in which courts and private enforcement agents determine and carry out enforcement, on the basis of the enforcement titles and authentic documents, unless if with the special law it is foreseen otherwise.

2. The provisions of this law shall also apply for the enforcement of given decision in administrative and minor offences procedure, by which are foreseen obligation in money, except in cases when for such enforcement, by the law is foreseen the jurisdiction of other body.

3. Provisions of this law are also applied for the enforcement on ships and aircrafts, unless if with special law is not foreseen otherwise.

4. The present law shall also regulate the activities of private enforcement agents.

Article 2
Definitions

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

1.1. **Enforcement procedure** refers to any action taken in accordance with the enforcement of the decision, during the implementation of the same decision.

1.2. **Credit** - the right for settlement of an amount of money or any giving, commission, non-commission or incurrence;

1.3. **Creditor -** the person, the claim of whom is realized in the procedure of mandatory enforcement;

1.4. **Debtor -** person against whom the claim is realized;

1.5. **Participant -** the person in enforcement procedure who realizes any right or legal interest, and who is not a party in the enforcement procedure;

1.6. **Party -** the creditor or debtor in the enforcement procedure;

1.7. **Third person** - another person from the creditor or debtor, on whom rights or obligations are imposed from enforcement procedure, or rights and obligations directly affected by the enforcement procedure;

1.8**. Enforcement Document -** the document based on which the enforcement procedure is initiated;

1.9**. Enforcement authority -** the court or the private enforcement agent that acts pursuant to the provisions of this Law;

1.10. **Court enforcement agent -** the employee of the judicial system who directly performs particular enforcement actions;

1.11. **Private Enforcement agent -** the natural person appointed by the Minister of Justice in accordance with the provisions of the present law, who in the performance of public authorizations entrusted to him/her as provided by the present law, decides on the actions arising from his/her competency in the enforcement of allowed enforcement, and undertakes enforcement actions;

1.12. **Writ of enforcement -** the decision of the private enforcement agent by which the proposal for carrying out enforcement is accepted either in whole or in part;

1.13. **Decision on enforcement -** the court decision by which the proposal for enforcement is partially or completely approved, or ordered ex officio;

1.14**. Public register of real estate -** all public books in which the right on real estate are registered;

1.15. **Securities -** printed or electronic papers based on which there is a right or which contain a right on which enforcement is requested;

1.16. **Shares -** securities registered in the register of the securities, on which enforcement is carried out;

1.17. **Bank -** the bank or financial organization which conducts works in circulation of payments;

1.18. **Pre-record -** a kind of registration in public books, by which conditionally the rights on real estate and other items are gained, transferred or abolished, which are the objects of enforcement;

1.19**. Farmer -** the individual with main sources of income from agriculture;

2. Expression of grammatical gender, feminine or masculine, in this Law, includes both genders of physical persons.

Article 3
Enforcement Authority and Decisions

1.The enforcement procedure in first instance shall be managed and decided by the private enforcement agent, and exceptionally by the individual (single) judge when this law provides that the enforcement is set and enforced by the court (first instance body). The court or the public enforcement agent shall decide on the enforcement proposal within seven (7) days of receipt of the proposal.

2. In the second instance, decisions shall be rendered by a single judge.

3. If a decision on forced collection is to be brought in another judicial proceeding, such decisions shall be rendered by the court as composed for the carrying out of the given judicial proceedings;

4. Decisions in the enforcement procedure shall be taken by the enforcement authority in the form of judgment or enforcement writ.

5. Conclusion shall be issued for implementation of some actions and to conduct the procedure.

Article 4
Initiation of procedure

1. The enforcement procedure shall be initiated through creditor's proposal

2. The enforcement procedure shall be initiated by the court ex officio, when that is foreseen by the law.

Article 5
Jurisdiction

1. The enforcement is determined and applied by the enforcement authority foreseen by this law, unless if it is foreseen otherwise with other law.

2. Competent Court shall hold the subject matter jurisdiction to order and to carry out enforcement as well as to decide on other matters during the procedure pursuant to the provisions of this Law, unless other courts and enforcement authorities, respectively, have competence to order and carry out enforcement as well as to decide on other matters during the procedure.

3. The private enforcement agent shall render the writ based on proposals for carrying out enforcement, and shall carry out the enforcement for the purpose of fulfillment of the debtor's claim based on an enforcement document, unless expressly provided by law that ordering of the enforcement and carrying out of the enforcement, respectively, shall be within the jurisdiction of the court.

4. Territorial jurisdiction to decide on matters pertaining to enforcement procedure is determined with the provisions of this law, depending from the means and object of enforcement and upon the status of the enforcement body.

5. To decide matters regarding any objection, appeal, irregularities in enforcement procedure under Articles 52 and 67 of this law, or any other procedure against actions of a private enforcement agent, jurisdiction is within the competent court in the territory in which the debtor’s residence is located, and if he does not have residence in Kosovo, then in the territory in which he stays, if debtor is a physical person. If debtor is a legal person, territorial jurisdiction rests in the competent court in the territory in which its seat is located. If the debtor does not have a temporary residence or seat in Kosovo, the basic court in the territory in which the movables or immovable items that are the object of enforcement are located will have jurisdiction.

6. Court shall be competent to decide over the enforcement procedure and enforce court decision related to:

6.1. all issues related to family law, and

6.2. reinstating employees and civil servants at work, and other compensations.

Article 6
Urgency and order of action

1. In the enforcement procedure, the enforcement body has a duty to act with urgency.

2. The enforcement authority has a duty to receive cases for procedure in the order of arrival, unless the nature of the credit or special circumstances requires the enforcement body to act differently.

3. The enforcement authority may conclude that the nature of a credit requires expedited treatment of a case if there is a legitimate risk that the debtor’s assets in that case may become unavailable for seizure or significantly diminished in value if enforcement is delayed. A court may also recognize

special circumstances, and act promptly, in cases dealing with employment, family matters, alimony, or child welfare if the interests of a party may be adversely affected by delay.

Article 7
Means and objects of enforcement

1. Means of enforcement are enforcement procedures by which according to the law, the settlement of claim is conducted compulsorily.

2. The objects of execution are the assets and rights which can be subject to execution, except those that are excluded from enforcement by Law and applicable international treaties in Kosovo.

3. Enforcement procedures may be performed directly against debtors and other persons, in compliance with this law.

Article 8
Objects not subject to enforcement

1. Items which are out of legal circulation, underground wealth, and other natural wealth may not be the object of enforcement.

2. Buildings, weaponry, and equipment of the armed forces and police, nor financial means ensured for such purposes may not be the object of enforcement.

Article 9
Protection of dignity of the debtor

1. Upon carrying out enforcement procedure, care shall paid to protect the dignity of the debtor, and to ensure that the enforcement is as little detrimental as possible on debtors.

2. Enforcement body, in the case of enforcement of decision and identifying items, shall act with appropriate respect towards the personality of debtor and debtor's family members.

3. If there is a legitimate reason and if the enforcement body has the consent to carry out of the enforcement on non-working days and during nighttime hours, enforcement body may also carry out the enforcement in the debtor's home on non-working days and during nighttime hours.

Article 10
Determination of means and objects of enforcement

1. The court, with a decision, or the private enforcement agent with an enforcement writ, shall assign the enforcement through those means and those objects of enforcement, as specified in the enforcement proposal.

2. The enforcement includes one of or all the enforcement means and objects presented in the enforcement proposal until the claim is fully fulfilled;

3. Upon proposal of the creditor or ex officio, the enforcement body may decide by the enforcement writ that the enforcement be carried out against the debtor's assets that may be subject to enforcement, without stating the enforcement means and objects up to the sufficient level for settling the credit.

4. If the enforcement body seizes more assets than necessary in order to fulfill the credit, the remainder shall be returned to the debtor within thirty (30) days.

5. The creditor may request the enforcement body to assist in identifying assets as provided by this law:

5.1. if there more enforcement means or objects than needed to fulfill the decision were proposed, enforcement body may, upon the proposal of the debtor, limit the enforcement only to some of such means and objects, if they suffice for the settlement of the credit.

5.2. debtor may propose to the enforcement authority the preferred enforcement assets, and shall provide the reasons for limiting enforcement.

5.3. debtor shall accompany its proposal under sub-paragraph 5.2 of this paragraph with documentary evidence, such as bank statements, proving that such means and objects suffice to settle the credit. Debtor shall also provide accurate information to the enforcement body as to where such means and objects are located and how they are to be seized.

5.4. the debtor's proposal, and all accompanying information, shall be provided to the creditor, and the creditor shall respond to the proposal within five (5) days from receiving the proposal.

5.5. if the creditor does not accept the proposal, the enforcement body shall ensure based on provided evidence that the listed assets suffice to settle the credit before ruling in favor of the debtor's proposal. If the enforcement body is not sure, based on the provided evidence, of the adequacy of the assets listed in the debtor's proposal to satisfy the credit, the enforcement body shall reject the proposal.

6. If the debtor's proposal to limit the means and objects of enforcement is accepted, and if the assets listed in that proposal cannot be found, or the listed assets are insufficient to satisfy the credit, the creditor shall notify the enforcement body and the enforcement authority shall immediately order the enforcement of the creditor's original enforcement proposal. Under such circumstances, the debtor who made the proposal may be subjected to the provisions of Article 15 and 16 of this Law.

7. The creditor may agree to limit its request in accordance with the debtor's proposal, if it deems the proposal adequate to satisfy the credit.

8. If the enforcement decision or writ cannot be applied against a certain enforcement object or means, the creditor aiming at realizing the same request, may propose other enforcement means or objects.

Article 11
The enforcement of foreign enforcement documents

Enforcement of foreign enforcement document shall be determined and implemented according to this law, if the foreign enforcement document meets the requirements provided by laws or international agreements on admission and enforcement.

Article 12
Enforcement on property in a foreign country

1. No enforcement against the wealth of foreign countries or international organizations in the territory of the Republic of Kosovo may be determined without previous consent of the Ministry of Justice and opinion of Minister of Foreign Affairs, except if the foreign country or the international organization agrees with the enforcement.

2. If the proposal to initiate the procedure against the property of a foreign country in the Republic of Kosovo is not submitted for consent from paragraph 1 of this Article, respectively consent of the foreign country, such proposal shall be dismissed by the court respectively by the private enforcement agent.

Article 13
The costs of enforcement

1. The procedural expenses regarding the determination and commission of enforcement shall be paid by the creditor in advance.

2. The enforcement proposal shall pay in advance the expenses from paragraph 1 of this article within deadline assigned by the enforcement body. The enforcement body shall suspend the enforcement if the expenses are not paid in advance within such deadline. If the expenses are not paid within deadline set by the enforcement authority for a certain activity, such activity shall not be completed.
3. The procedural expenses initiated by the court ex officio shall be covered by the court from its budgetary.

4. Debtor shall reimburse the creditor the procedural expenses and all other expenses incurred during enforcement procedure.

5. The creditor shall reimburse the debtor the expenses incurred without reasonable cause.

6. The enforcement body shall decide on request for payment of procedural expenses simultaneously with the enforcement decision, upon proposal of party, assigning the enforcement with the aim of accomplishing it.

Article 14
Guarantee

1. The enforcement authority shall order provision of guarantee with decision or writ. In cases foreseen by this law to leave guarantees, the guarantee shall be given in cash. The enforcement authority may allow provision of guarantee in the form of bank guarantee, securities and valuable items the value of which is easily determined in the market and which may be liquidated quickly and simply.

2. Institutions of the Republic of Kosovo and their bodies and services are not obliged to deposit guarantee when they appear as parties to enforcement procedure.

3. The opposing party shall obtain the right of legal pledge over the deposited guarantee.

4. If the enforcement authority in the enforcement procedure decides that the procedural expenses of the opposing party should be paid with regards to the action for which the guarantee is provided, upon the party proposal, the court in the same decision shall decide over the payment of the claim from such guarantee.

5. Guarantees may not be requested, if its provision may cause irreparable damage to the debtor.

Article 15
Fines in enforcement procedure

1. Fines provided by this article may be imposed through a court decision for any action or omission violating provisions of this law or violation of the enforcement body decision issued pursuant to this law. These fines may be imposed by the court ex officio and based on justified proposal of private enforcement agent if all conditions for sentencing the fine have been met in the procedure carried by the private enforcement agent.

2. Fines may be imposed against physical persons in enforcement procedure in amount from one hundred (100) to one thousand (1000) Euro, or against legal persons in amount from one thousand (1000) to ten thousand (10.000) Euro.

3. Fine in amount of five hundred (500) to two thousand and five hundred (2500) Euro may be also imposed against responsible person of the legal person.

4. Fines from paragraphs 2 of this Article may be imposed repeatedly, if the debtor does not act upon repeated order of the court or private enforcement agent or continues to act in contrary to such order.

5. Before imposing the fine, the court shall allow the party against whom the fine was imposed, to make a statement, and when considered appropriate by the court, the court may schedule a session for the purpose of collecting evidence.

6. The fine shall be imposed by the court considering all circumstances of the concrete case, especially the economic means of the party and significance of action that the party has expected to perform. The decision on fine shall provide the deadline for paying the fine.

7. Fined person may appeal against the decision within seven (7) days from delivery.

8. Fined person should pay the expenses incurred with the sentence and enforcement of this fine.

9. After the enforcement of decision, the fine shall be realized ex officio by the enforcement body, in benefit of the current account used for funding the court. Enforcement expenses burden the court budget, while the payment of such costs determined by the conclusion, is applied in the procedure of forced settlement of fine.

10. The fine may be also sentenced and enforced against the debtor and other physical persons, and against responsible person of legal person if they refuse to provide data about the wealth of the debtor, and if their actions and behaviors are in contradiction with the order of enforcement authority, or if they damage or reduce the wealth of debtor, or if they obstruct the enforcement authority in the commission of enforcement activities.

11. Imposed fine according to the provisions of this article may not be turned to imprisonment.

Article 16
Fines for delaying the enforcement

1. When the debtor fails to fulfill within any monetary or non-monetary obligation within the given deadline determined by the enforcement document, ex officio or upon the proposal of the creditor shall assign a date no less than three (3) days after the date for voluntary settlement, when fines start to accrue if not settled by the assigned date.

2. The fine for each day of delay shall be no less than five (5) Euros but not more than fifty (50) Euros for a natural person, and no less than fifty (50) Euros but not more than five hundred (500) Euros for a legal person. Fines will accrue each day or other time period of delay, in accordance with the Law of Obligations, from the deadline expiration date for settling the obligation, until the settlement is completed.

Article 17
Application of the provisions of other laws

The provisions of the Law on Contested Procedure shall be accordingly are applied in the enforcement procedure, unless this law or any other law provides otherwise.

TITLE II

ENFORCEMENT PROCEDURE

Article 18
Delivery of submissions and documents

The provisions of the Law on Contested Procedure on delivery of scriptures shall also to be applied to the enforcement decision, the enforcement writ, the decision on the objection against the enforcement decision, and the decision on fine.

Article 19
Duty to Provide Information on Debtor

1. Upon request of the enforcement authority, legal persons or bodies holding the authority over property registers and rights over the enforcement debtor's property, and the person claimed by the enforcement creditor to be the enforcement debtor or to be in possession of any of the debtor’s property, shall provide information on the debtor's property within eight (8) days.

2. The persons and bodies referred to in paragraph 1 of this Article shall not inform the enforcement debtor that such data have been requested.

Article 20
Submissions, sessions and files

1. In enforcement procedure, the enforcement body acts based on the submissions of the parties and other documentary evidence.

2. The enforcement body assigns hearing sessions if foreseen by the law, or when it considers that it may be useful.

3. Regarding the work conducted during the session, instead of court record, the court may draft an official note.

4. Outside the hearing session the enforcement body may hear the party or other participant to the procedure, if foreseen by the law or if the court considers needed for the clarification of any issue or for providing a statement regarding any proposal of the party.

5. The absence of either or both parties, or other participant to the procedure from a hearing session, or failure of a party to act upon enforcement body summon for their hearing, does not obstruct the enforcement body to act in the session.

6. Submissions in the enforcement procedure are presented in sufficient number to the enforcement body, and to the opposing party.

TITLE III

ENFORCEMENT DOCUMENT (ENFORCEMENT TITLE) AND AUTHENTIC DOCUMENT

Article 21
Legal basis for awarding enforcement

The enforcement authority shall award, respectively perform enforcement only on the basis of enforcement document (titulus executions) and authentic document unless otherwise foreseen by this law.

Article 22
Enforcement Document

1. Enforcement documents are:

1.1. enforcement decision of the court and enforcement court settlement (reconciliation);

1.2. enforcement decision awarded in administrative procedure and administrative settlement (hereinafter: the settlement)

1.3. notarized document enforceable according to the law on notary;

1.4. agreements reached in the mediation procedure in accordance with the law on mediation after approval of the Court;

1.5. the judgments, acts, and memoranda on court settlements of foreign courts, as well as the awards of foreign arbitration courts and the settlements reached before such courts in arbitration cases, which have been accepted to enforcement within the territory of the Republic of Kosovo;

1.6. decision and enforcement agreement of the arbitration of the Republic of Kosovo declared enforceable by the Court;

1.7. mortgage agreements certified by the competent body and registered in the public registry in accordance with law;

1.8. court decision certified as European enforcement writ;

1.9. other document which is qualified by the law as an enforcement document.

Article 23
Decision and settlement

1. According to this law, court decision is considered verdict, decision and other decisions reached in court proceedings or arbitration, while court settlement is considered achieved settlement before the court and arbitration and the agreement reached in the mediation procedure.

2. The decision of administrative body, according to this law, is considered decision and conclusion reached in administrative proceedings by the administrative body or service or by the legal person charged with public authorizations, while administrative settlement is considered the achieved settlement in administrative procedure before the body or service, respectively such legal person, if it has to do with obligation in cash and if the law does not provide otherwise.

Article 24
Enforceability of decision

1. Court decision ordering the fulfillment of the credit for any giving or commission, shall be enforceable if it became final, and if the deadline for voluntary fulfillment has expired.

2. Court decision ordering the fulfillment of the credit for action or omission is enforceable if it became final. However, the competent enforcement body may allow an additional deadline for fulfillment of debtor's obligation.

3. Decision reached in administrative procedure shall be enforceable if reached according to the rules regulating such procedure.

4. Based on decision which becomes enforceable only in part, the enforcement may be allowed only to such a part.

5. Enforcement shall be determined based on court decision which still has not still became final, or based on the decision reached in administrative procedure which has not become final, only if the law provides that the appeal or other remedies does not inhibit the enforcement.

Article 25
Enforceability of settlement

1. Court settlement or settlement reached in administrative procedure, arbitration enforcement award, agreement reached in mediation procedure or agreement reached in another procedure shall be enforceable if the credit which should be fulfilled has become reachable.

2. Realisability of the credit is proven through the record on settlement, through public document or through the document certified according to the law.

3. Realisability which cannot be proven in a manner as explained in paragraph 2 of this article shall be proven through the decision reached in contested procedure by which concludes that the claim of the credit (request)is grounded.

4. Based on settlement which has become enforceable only a part, the enforcement may be determined only on that part.

Article 26
Enforceability of Notarial Document

1. A notarial document shall be enforceable if it became enforceable according to special rules governing enforceability of such a document.

2. Enforcement based on a notarial document that has become enforceable only in part may be ordered only with respect to such part.

Article 27
Eligibility of enforcement document

1. Enforcement document shall be eligible for enforcement if it shows the creditor, the debtor, the object, means, amount, and deadline for settling the obligation.

2. If the enforcement document does not assign the time for voluntary fulfillment of the obligation, such deadline will be set by the enforcement decision and writ on seven (7) days.

3. In the case from paragraph 2 of this article, the enforcement authority shall assign the proposed enforcement under the condition that debtor does not fulfill its obligation within the deadline for voluntary fulfillment

Article 28
Interest-delay

If the height of interest-delay has changed after issuing the enforcement document, the enforcement agent body, ex officio, shall assign the scale changed over time in line with provisions of the Law on obligational relationships enforcement agent

Article 29
Authentic document

1. Enforcement for the purpose of settlement of monetary claims shall be also assigned based in the authentic document. According to this law, authentic document is:

1.1 bills of exchange and cheques with potest and return invoice, if required for establishing the claim;

1.2. extracts verified from business books for payment of utilities, water supply, power and waste services;

1.3. invoices;

1.4. documents with significance of public documents according to legal provisions;

2. Calculation of interest is considered a part of the authentic document.

3. Authentic document is eligible for enforcement if it shows the creditor and debtor, the object, type, amount and time of fulfillment of the monetary obligation.

Article 30
Claimability of the credit

If the authentic document does not show whether the credit has become claimable, the enforcement shall be assigned only if the creditor presents a statement in writing that his credit has become claimable and it proves that the day on which it has become claimable has elapsed.

Article 31
Transfer of credit or debt

1. Enforcement shall be assigned also upon the request of a person or for his benefit, who in the enforcement document is not shown to be the creditor, if he (through the public document or through a private document which has been certified according to the law) proves that the credit has been transferred to him, or in some other way has been transferred to him. Debtor shall be informed through the enforcement authority on any changes of the creditor through standard mail to his last registered address. If the transfer of credit, in any way, cannot be proven, that may be proven through the final decision issued in contested procedure.

2. Enforcement shall also be assigned against the third person who in enforcement document is not mentioned as debtor, if the enforcement creditor (through public or private, but according to the law certified document), proves that such person in legal manner has taken over the debt stated in the enforcement document, or according to the law he shall be obliged to settle the debt. If the obligation of the third person for taking over the debt is disputed, before the enforcement is permitted, the parties must resolve the dispute in contested procedure.

Article 32
Conditional obligation and mutual obligation

1. Enforcement which depends on the prior fulfillment of any obligation by the enforcement creditor, or from fulfillment of any other condition, shall assigned if the enforcement creditor with a public or private certified document proves that has fulfilled his obligation, respectively that the condition is fulfilled.

2. Fulfillment of obligation, respectively fulfillment of the condition shall be proven by the final decision issued in contested procedure, if the enforcement creditor does not have opportunity to prove it in the manner provided in paragraph 1 of this article.

3. If the debtor according to the enforcement title shall fulfill his obligation under condition any obligation in his benefit shall be fulfilled meanwhile, the enforcement authority will assign enforcement only if the enforcement creditor presents evidence that he has ensured the fulfillment of his obligation.

4. It is considered that the enforcement creditor has sufficiently ensured the fulfillment of his obligation in the sense of paragraph 3 of this article, if he has deposited the object of obligation to the court or private enforcement agent.

Article 33
Alternative obligation as per the choice of debtor

1. If the enforcement debtor based on enforcement title has a right to choose between several objects of his obligation, the enforcement creditor has a duty to assign in the enforcement request the objects by which the obligation may be fulfilled.

2. Enforcement debtor has a right of chose among enforcement objects, but the right terminates as soon as the enforcement creditor achieves partial or complete settlement of the obligation.

Article 34
Alternative authorizations of the debtor

1. An enforcement debtor sentenced with non-monetary obligation through an enforcement title, but with the right of release from fulfillment of that obligation by paying a certain amount of money noted

in that enforcement title, may pay such amount while the enforcement creditor has not started receiving the object of obligation.

2. Creditor has the right to be paid for the costs of the concluded procedure which was rested because the debtor after the initiation instead of primary obligation has fulfilled other obligation assigned in the enforcement title.

Article 35
Interruption of the procedure

1. The enforcement authority may not interrupt the enforcement procedure in order to wait for the decision of the competent court, or other body, regarding the previous matter.

2. In other cases of interruption of procedure, foreseen by the Law on Contested Procedure, the court may, if the circumstances of the case allow, upon the proposal of the party or ex officio determine the continuation of the procedure by nominating the temporary representative to the party with whom has to do the cause which has brought to the interruption of the procedure.

3. In case of death of the enforcement creditor who does not have authorized representative or legal representative, each of the inheritors or interested persons may propose that as long as the inheritance community lasts, the court may, at the expense of the proposer, nominate a temporary representative and continue with the procedure. The court may appoint only a person with no personal interest in conflict with the interests of the creditor, and the temporary representative shall have a fiduciary duty to act in the interests of the creditor. The appointed person shall have the right to decline the appointment, and the agent shall in that case have the right to appoint a substitute. The court will nominate temporary representative within seven (7) days time limit, from the day of submission of proposal. In the case such inheritor's or interested person's proposal is not submitted within thirty (30) days from the day of death of the enforcement creditor, the court will suspend the enforcement procedure.

4. In case of death of the debtor who does not have authorized representative or legal representative, the court within fifteen (15) days from the day of notification on the death of debtor, will nominate a temporary representative on behalf of the heirs or inheritors of the debtor in the burden of expenses of creditor of enforcement, as a rule from the line of persons who have on their possession the wealth which is the object of enforcement and will continue the procedure. The court shall nominate a temporary representative within seven (7) days from the day of submission of request. If the authorized person does not propose the continuation of the procedure within assigned deadline, the court will suspend the enforcement procedure. The court may appoint only a person with no personal interest in conflict with the interests of the debtor, and the temporary representative shall have a duty to act in the interests of the debtor. The appointed person shall have the right to decline the appointment, and the court may in that case appoint a substitute.

5. Final expenses of the enforcement creditor from paragraph 4 of this article are realized from the debtor's assets.

6. After the conclusion of inheritance community, each of the inheritors may undertake the enforcement procedure by appearing before the enforcement body.

7. For undertaking procedure and dismissing the temporary representative, the enforcement body shall decide with a decision issued in the form of conclusion.

Article 36
Certificate of enforceability

1. The proposal for enforcement shall be submitted to the enforcement body accompanied with the enforcement document, in original or certified copy, with enforceability certificate for enforceability.

2. Enforceability certificate is issued by the court, respectively state organ which has decided about the request in first instance procedure.

3. Exceptionally from the provisions of paragraph 1 and 2 of this article, the enforcement document of the notary, based on which the enforcement proposal is submitted, does not need to be accompanied with the enforceability certificate, but its enforceability shall be determined according to the provisions of the law on notary.

4. The certificate for enforceability issued without meeting conditions foreseen by the law shall be annulled with a decision by the same court, or by the issuing competent body, based on the proposal of debtor or ex officio. Proposal for annulment must be submitted within seven (7) days from the day of the delivery of enforcement decision to the debtor. The enforcement authority or the issuing state competent body may also initiate the annulment at any time.

Article 37
Enforcement based on authentic document

When the enforcement proposal is submitted to the enforcement authority based on a authentic document, it suffices to attach to the proposal such original document or its copy certified according to the law.

TITLE IV

PROPOSAL AND DETERMINATION OF ENFORCEMENT

Article 38
Enforcement proposal

1. Enforcement proposal should contain the request for enforcement which shows the original enforcement document, or a copy certified by law, or authentic document based on which the enforcement is requested, claimant of enforcement and debtor, address of residence – place of stay or business seat of the creditor and debtor, credit claimed for settlement, and also the means through the which the enforcement should be conducted, the enforcement object if known, and other data needed for application of enforcement.

2. If the proposal for enforcement under paragraph 1 of this article does not contain requested data and PIN or business registration number of the debtor, enforcement body shall act according to provisions of Article 102 of the Law on contested procedure.

3. If the request for conclusion on the debtor's wealth is submitted with the enforcement proposal, the enforcement body will introduce the enforcement creditor with results of such conclusion, providing him time limit to correct the presented proposal, respectively to provide amendments. The amended proposal shall be submitted within ten (10) days after the enforcement body forwards to the enforcement creditor the debtor's statement of assets. However, if the enforcement creditor requests an addendum to that statement, as described in Article 45 paragraph 9 of this Law, within the given time limit, the time allowed for enforcement of amended proposal shall be counted from the date on which the addendum submitted by the debtor is forwarded to the creditor.

Article 39
Enforcement against debtors with joint responsibility

1. If on the basis of enforcement, two or more debtors are jointly liable, the enforcement body shall issue against them only one enforcement decision, seizing from debtors' account the amounts provided in the judgment or enforcement writ.

2. The proposal may provide in the enforcement proposal the order for seizing the funds of debtors, otherwise funds will be seized in the order that debtors are mentioned in the enforcement proposal.

3. If under paragraph 2 of this article, there are not sufficient funds in the debtor account to settle the obligation, the enforcement authority will apply the enforcement decision against property of the other joint debtor. If it is necessary to send the case to another enforcement body because of the

jurisdiction, the enforcement body will do it quickly with a report on level of enforcement up to that moment.

Article 40
Proposal based on authentic document

1. Enforcement proposal based on authentic document should contain:

1.1. enforcement request from paragraph 1 of article 38 of this law;

1.2. request by which the enforcement body forces enforcement debtor that within seven (7) days, while in disputes from the relations where bill of exchange or cheque exists, within three (3) days from the day of delivery of the decision, to settle the obligation together with the assigned costs;

1.3. an original or certified copy of the authentic document.

2. If the proposal for enforcement is submitted without the documents referred to in paragraph 1 of this Article, they shall be dismissed by the court or private enforcement agent, respectively.

Article 41
Enforcement against movable items

Should the enforcement against movable items is proposed, it is not required for the enforcement proposal to indicate such items.

Article 42
Withdrawal and limitation of proposal

1. Enforcement proposal may, during the enforcement procedure, without the consent of the debtor, be completely or partially withdrawn by the creditor.

2. In the case of the withdrawal from the enforcement proposal, the enforcement body concludes the enforcement completely or partially, respectively as may have been withdrawn.

3. Enforcement proposal, withdrawn completely or partially, may be submitted again before the enforcement body.

4. If the creditor states that the claim has been settled in whole or in part, it shall be deemed that the proposal for carrying out enforcement has been withdrawn with respect to such part.

Article 43
Enforcement decision and writ

1. The enforcement decision and writ based on enforcement title should indicate the enforcement document, enforcement creditor and debtor, credit which should be settled, means and object of enforcement, and other data needed for enforcement.

2. The enforcement decision and writ based on authentic document should indicate the authentic document used as basis for assigned enforcement, creditor and debtor, credit which should be settled, mean and object of enforcement, the order to the debtor to settle the credit and any costs within seven (7) days, or in disputes in relation to bill of exchange or cheque, within three (3) days, and other data needed for enforcement. The enforcement decision and writ shall order the enforcement against the property of the debtor suitable for enforcement and other data needed for the application of enforcement.

3. If the enforcement decision or writ assigns the payment of interest, the enforcement body shall calculate the expenses of the enforcement creditor, except if the collection of interest is to be done from the deposited money in bank account.

4. With respect to an appeal raising an objection against the enforcement writ issued by a private enforcement agent, the court reviewing the enforcement procedure shall review whether conditions for issuing such private enforcement agent's enforcement writ were met. If the court establishes that the conditions for issuing the private enforcement agent's enforcement writ have not been met, the court shall dismiss such enforcement writ through a decision.

Article 44
Composing parts of the enforcement decision and writ

1. Enforcement decision or writ should not necessarily have rationale provision. This decision or writ may be issued through a square seal in the enforcement proposal.

2. Enforcement decision or writ should contain instruction on legal remedy the parties are entitled to.

3. Decision refusing or dismissing the proposal completely or partially should have the rationale.

Article 45
Declaration of assets

1. Creditor in his proposal based on enforcement document may request the enforcement authority to order the debtor and any other relevant person to the enforcement process mentioned in the proposal, including bodies or administrative services, or other institutions, to provide data about the wealth or income of debtor, in accordance with the following provisions.

2. The request may be filed at any time during the entire course of enforcement until its conclusion.

3. The enforcement authority on the request from paragraph 1 of this Article, acts as follows:

3.1. within five (5) days after the filing of the request from paragraph 1 or 2 of this article, issue a ruling forcing the debtor or, upon assignment from the debtor, the debtor's legal counsel, to indicate the full data regarding the movable and real estate of debtor, and particularly regarding the type and level of incomes and deposits in money, and also the place where such property is situated. A separate appeal against this ruling shall not be allowed;

3.2. the enforcement authority shall serve a copy of this request to the debtor along with its decision, within three (3) days from the day the decision is taken. The enforcement body also sends to the debtor the notification on what the asset and income statement should contain, and the notification to debtor that he will be brought by force before the court for giving the statement. Debtor may be fined in case of refusing to provide the statement as ordered by the enforcement authority, and shall be warned on consequences of providing false or partial statement;

3.3. where the debtor is a legal entity, the actions referred to in sub-paragraphs 3.1 and 3.2 of this paragraph shall be taken against the person authorized representing such entity by law. When debtor lacks the ability to act, the action shall be taken against his legal representative. In case the enforcement authority considers that the representative is acting against the debtor's interests, he shall notify the custodian, body.

4. The enforcement body may order the submission of the completed and signed form to enforcement body within a specified period of time, and this form becomes an official part of the case file. The enforcement body may order the debtor to appear before the enforcement body to make a statement of assets, which becomes part of the official statement of the case file.

5. The persons who do not act upon enforcement body order shall be fined as foreseen in article 15 and 16 of this Law. These provisions are applicable also to responsible persons in legal entity or administrative body, administrative service and other institution.

6. Physical person or responsible person mentioned in the paragraph 5 of this article is criminally responsible for false statements, non-complete or untrue data regarding the debtor's wealth. About these consequences, the enforcement authority should inform respective concerned subject with conclusion on requested data.

7. The enforcement body may request filling the respective form by debtor, who is physical person, or other physical persons, or may request verbal statement in court session. If the summoned person does not appear to the session or refuses to give verbal statement, the enforcement body applies provisions of paragraph 5 of this article. A certified copy of the declaration of assets or enforcement body records containing such declaration shall be forwarded by the enforcement body to the enforcement creditor immediately indicating the date on which such copy was forwarded to the creditor, and it shall be attached to the court's decision under sub-paragraph 3.3 of paragraph 3 of this article, along with the declaration of assets, and shall be inserted into the enforcement body's case file which requested the declaration of assets.

8. The enforcement body ex officio or upon creditor's proposal within five (5) days of receiving the statement of assets shall request an addendum to the statement, if such statement does not contain sufficient data to identify assets listed therein, or if a public or statutorily certified title can be used to prove that the debtor has communicated incomplete or inaccurate data and also proves that hitherto known assets of the debtor cannot be used to fully settle his claim. If the debtor does not present the documents within the deadline as mentioned in this paragraph, fines according to Articles 15 and 16 of this law shall be imposed.

9. The creditor who did not require the addendum of the declaration mentioned in paragraph 8 of this article shall be requested to propose means and objects of enforcement within ten (10) calendar days after obtaining the statement of assets, or enforcement may be suspended ex officio by the court.

Article 46
The content of the statement of assets

1. The statement of assets of the enforcement debtor shall contain the following:

1.1. data on assets and rights of the enforcement debtor that may be enforced against, especially:

1.1.1. movable and immovable assets owned by the enforcement debtor;

1.1.2. cash in possession of the debtor at the time of giving the statement;

1.1.3. cash deposits of the enforcement debtor in any bank or other financial institution, whether in the Republic of Kosovo or in another country;

1.1.4. other cash or non-cash accounts of the enforcement debtor;

1.1.5. rights to securities and rights deriving from securities;

1.1.6. founders' rights in companies and income derived from such rights over the past year;

1.1.7. actual monthly wage of the debtor over the past six (6) months, the employer's name, and the duration and type of employment;

1.1.8. debtor's income, the basis for such income, the maturity date of those income;

1.1.9. security interests held by the debtor, and security interests held by others against the assets of the debtor;

1.2. data on claims against the debtor that have matured or that will mature over the following year and data on security of such claims;

1.3. data on enforcement procedures in progress against the debtor, including claims relating to the collection of taxes and fees due to any governmental authority within the Republic of Kosovo;

1.4. data on legal transactions taken by the debtor and involving the debtor's assets after the establishment of the liability that enforcement is being undertaken to settle (transfers of property right with or without compensation, liens, provision of security on his own behalf or on behalf of other persons);

1.5. the debtor's current address or place of business;

1.6. the address or addresses where debtor's movable assets are located;

1.7. data from cadastral and other public books on real estate owned by the debtor, or data on grounds and manner of acquisition if the real estate is not entered into cadastral and other public books;

1.8. data on current and savings accounts, cash deposits and banks where such accounts are held, including the account numbers of such accounts and deposits;

1.9. data on third parties that are beneficiaries of legal transactions involving debtor's assets, and type of transaction taken;

1.10. the signature of the debtor certified by a notary unless the statement is given before the court and entered into court records.

2. Where the debtor does not own any assets that may be enforced against, he shall be required to expressly state this in his statement.

3. If the data from the statement of assets or specified documents in article 45 paragraph 8 of this Law are insufficient for determination of debtor's assets, the enforcement body ex officio or upon creditor's proposal may request that the testimony of debtor's family members or his business associates concerning the location or form of those assets.

4. The enforcement body may dispute the data of debtor's assets if there is reasonable doubt as to whether by his actions the debtor misled or attempted to mislead the creditor as regards the fulfillment of his liability. The enforcement body must notify appropriate public prosecutor about this issue.

5. All governing institutions and agencies of the Kosovo government shall provide requested information to the enforcement body upon its request, unless the agency is specifically prohibited from doing so under a separate provision of law. Such information shall be provided to the enforcement body without charge.

6. The creditor may ask the enforcement body to assist in the identification of assets under this Article.

Article 47
Delivery of the enforcement decision and enforcement writ

1. Article 18 of this law shall apply on delivery of the enforcement decision or enforcement writ.

2. Enforcement decision or enforcement writ shall be delivered to the creditor and debtor or their representatives. Decision dismissing or rejecting the enforcement proposal is delivered only to the creditor.

3. If the creditor for settlement of his credit proposes enforcement in the wealth of the debtor, in which debtor has the right of co-ownership or joint ownership, the enforcement body for issued decision will inform all co-owners, respectively carriers of the right to joint ownership.

4. Enforcement decision or enforcement writ on debtor's monetary credit shall be delivered also to the debtor of debtor, whilst enforcement decision or enforcement writ for means in the account of debtor is delivered also to the bank.

5. Enforcement decision or enforcement writ on bank account shall be delivered to the bank after it becomes final, except when enforcement is assigned based on bill of exchange and cheque with protest and returning invoice, if needed for establishment of a credit.

6. Enforcement decision or enforcement writ given based on bill of exchange and cheque shall be delivered to the parties immediately after the issuance, with purpose of sequestration of means in the account of debtor.

7. Enforcement decision or enforcement writ on movable items shall be delivered to debtor in the case of commission of the first enforcement act. If the movable item is not in the possession of debtor, the decision or writ shall also be delivered to the person possessing the item.

8. Enforcement decision or enforcement writ on real estate shall be sent to the debtor and cadastre office in the territory where the property is located for registration of the rights in movables. If the real estate is not in possession of the debtor, the decision shall be submitted to the persons in possession of the real estate.

TITLE V

APPLICATION OF ENFORCEMENT

Article 48
Enforcement based on non-final decision

1. Enforcement shall be applied even before the decision on enforcement or enforcement writ becomes final, if not foreseen otherwise for certain enforcement acts.

2. Enforcement assigned based on authentic document cannot be accomplished before the enforcement decision or enforcement writ becomes final.

Article 49
Limits of enforcement

Enforcement shall be conducted within assigned limits provided in the enforcement decision or enforcement writ.

Article 50
Time of enforcement

1. Enforcement shall be conducted during the working days and between 07 – 20 hours

2. The enforcement body may decide through conclusion that enforcement be conducted in non-working days or during the night only when reasonable causes exists.

Article 51
Actions of the enforcement authority

1. During the conduct of enforcement actions in the house of debtor, where neither the debtor, his legal representative or authorized representative or an adult person from the debtor's family is present, at least two (2) adult citizens should be present there.

2. Enforcement in business premises or in other premises of legal person shall be done during the working hours and in presence of the person assigned by competent organ of the legal person, and should the latter fails to assign such person, the enforcement action shall be conducted with presence of at least two (2) adult citizens.

3. When the enforcement action is to be conducted in a premise that is locked, whilst the debtor is not present or does not agree to open the premise, the enforcement body shall open the premise in presence of one (1) adult citizen and the police.

4. During the commission of enforcement actions according to the provisions of paragraphs 1, 2, and 3 of this article, the enforcement body should draft separate record which will be signed by present citizens, while a copy or the notification for completed enforcement action, will be attached to the doors of the house of business premise.

Article 52
Irregularities during the conduct of enforcement

1. Party or other participant in the procedure may request the court through a submission to correct irregularities caused by the enforcement body during the conduct of enforcement. The present delivery shall be done to the court within seven (7) days of alleged irregularity.

2. Upon request from paragraph 1 of this article, if the submitter has proposed this, the court shall issue a decision within three (3) days from the day of delivery of submission.

Article 53
Obstructing enforcement authority in performing its duties

1. Enforcement authority shall be authorized to remove the person from the place where enforcement action is taking place, if he obstructs its commission.

2. During the commission of compulsory actions foreseen by the law, used violence and force should be proportionate to the circumstances of the concrete case.

3. During the enforcement procedure the police bodies have a duty to provide the enforcement body with the appropriate assistance for commission of enforcement actions. Enforcement authority, if needed may take pertinent measures against a person who obstructs the commission of enforcement actions.

4. During the action of the police bodies upon order of the enforcement authority, accordingly are applied provisions of the law on internal affairs respectively judicial police.

5. In case the police do not enforce the orders of enforcement body for providing assistance during the conduct of enforcement, the enforcement body shall immediately inform the competent body.

TITLE VI

COUNTER-ENFORCEMENT PROCEDURE

Article 54
Reasons for counter-enforcement

1. Debtor is entitled during same enforcement procedure, and after the end of enforcement procedure, to request the court the issuance of a decision ordering the enforcement creditor to return the items taken based on enforcement procedure, if:

1.1. enforcement document by a final decision is overruled, amended, annulled, dismissed or was concluded in another way that it is without legal effect;

1.2. enforcement decision or enforcement writ by a final decision is annulled or amended;

1.3 During the conduct of execution proceedings, the creditor has got under possession more items than the value of the credit, including costs of enforcement and interest charges.

1.4 The enforcement carried out on a specific object of enforcement shall be impermissible;

2. If creditor through enforcement has realized an amount of money, the debtor in the proposal for counter-enforcement may demand payment of interest-delay, starting from the day of the payment of such amount.

3. Proposal for counter-enforcement from paragraph 1 of this article may be presented in fifteen (15) days from the day when the debtor became aware for the reason of counter-enforcement, but not later than one (1) year from the completion of enforcement procedure.

4. After the expiration of the deadline from paragraph 3 of this Article, the debtor may not initiate counter-execution, but must instead initiate a contested procedure over its claim.

Article 55
Procedure based on proposal for counter-enforcement

1. The court delivers the proposal for counter-enforcement to the creditor and shall demand him that within three (3) days from the day of delivery, to declare regarding such proposal.

2. If the enforcement procedure was conducted before the private enforcement agent, the private enforcement agent shall, without delay, forward a copy of the file the competent court and shall notify parties that the procedure based on the proposal shall be continued before the competent court.

3. If within the deadline from paragraph 1 of this article, the creditor opposes the proposal for counter-enforcement, the court shall decide after the holding of court session.

4. With the decision approving the proposal for counter-enforcement, the court shall order the creditor to return within seven (7) days to debtor respectively to third person the items taken through enforcement.

5. Court shall issue such decision even when the enforcement creditor does not make a statement within assigned deadline or when he declares that he does not oppose the counter-enforcement proposal.

Article 56
Decision on counter-enforcement

1. Based on the final decision approving the proposal for counter-enforcement, the court through a special decision shall assign the means and objects for implementing the counter-enforcement.

2. In counter-enforcement proceeding, the provisions of this law pursuant for performing enforcement shall be applied accordingly.

Article 57
Impossibility of counter-enforcement

Proposal for counter-enforcement shall not be accepted if it requests the return of an item which has suffered material or legal changes which makes its return impossible.

Article 58
Counter-enforcement according to the proposal from the third person

1. Person, from whose wealth the credit of the creditor has been realized, and who was not qualified as debtor in the enforcement decision, is entitled within given time-limits in paragraph 3 of article 54 of the Law, to request the court to order creditor to return all items seized through the concluded enforcement.

2. Based on the third person's proposal from paragraph 1 of this article, the counter-enforcement procedure shall be performed according to the provisions of this law.

3. In this counter-enforcement procedure, the proposer shall be named enforcement creditor and the opponent of the proposer shall be named the debtor.

Article 59
Counter-enforcement upon proposal of the participant in the enforcement

1. Participant in the enforcement procedure has the right, within given deadline in this law, after the amendment of the enforcement decision by the final decision, to request the court to order the person to whom certain amount of money was paid, to return the payment.

2. Based on the proposal from paragraph 1 of this article, the counter-enforcement procedure shall be applied according to the provisions of this law.

3. In such counter-enforcement procedure, the proposer shall be named creditor, while the opponent of the proposer shall be named the debtor.

TITLE VII

POSTPONEMENT, SUSPENSION AND CONCLUSION OF THE ENFORCEMENT

Article 60
Postponement of the enforcement upon the creditor's request

1. If the law does not provide otherwise, the enforcement body may postpone partially or entirely the enforcement upon the request by the creditor, but only if the application of the enforcement decision or enforcement writ has not started yet.

2. If more creditors participate in the enforcement procedure and not all of them require postponement, the court shall postpone the enforcement only with regard to creditor requesting postponement.

3. The enforcement body shall decide on the request for postponement in a conclusion.

Article 61
Postponement of enforcement upon the debtor's request

1. If the debtor argues that enforcement shall cause him irreparable damages, the enforcement body shall fully or partially postpone the enforcement when:

1.1. an appeal has been filed against the enforcement document and the appealing party demonstrates to the first instance court a high likelihood of success on the appeal; or

1.2. a request has been submitted to the court to dismiss an arbitral award under the Law on Arbitration.

2. Submission of request for a postponement of the enforcement shall not postpone the carrying out of enforcement.

3. Before granting the postponement of the enforcement, the enforcement body shall provide the creditor with the right to make a statement and present evidence in opposition to the postponement.

4. Enforcement body may fully or partially postpone the enforcement in cases in situation when debtor proves through public or certified documents that execution shall cause irreparable damages and debtor provides guarantee in amount corresponding with the amount of the claim.

5. In other circumstances than those defined in paragraph 2 of this Article, the enforcement body may condition the postponement upon the debtor providing a guarantee amounting to at least the amount of the claim and interest.

6. If the enforcement body has postponed the enforcement of a non-monetary claim on condition of payment of a guarantee, it shall set the amount of the guarantee with regard to all circumstances of the case.

7. Unless the debtor deposits guarantee as defined in paragraph 4 and 5 of this Article, within the deadline designated by the enforcement body carrying out enforcement, which shall not exceed fifteen (15) days, it shall be deemed that the debtor has abandoned his request for a postponement.

8. The enforcement body shall rule on a motion to postpone enforcement within five (5) days after receiving it.

9. The ruling upholding the debtor's motion to postpone enforcement shall be served by the enforcement body on the debtor and creditor;

10. Against the decision related to the debtor's request appeal is not allowed.

11. The first instance court with jurisdiction to decide on the appeal against the enforcement writ, and the court carrying out enforcement, respectively, may postpone the enforcement upon request of the debtor who may not be obligated to deposit collateral when the debtor takes part in the procedure as a party if he establishes a likelihood that the enforcement would cause him irreparable or nearly irreparable harm, or if he establishes a likelihood that postponement is necessary in order to prevent violence. The court shall decide on the request for a postponement of the enforcement within five (5) days of the receipt of such request.

12. If the decision on postponement of the enforcement shall be within the jurisdiction of the court not carrying out the enforcement, the court shall, ex officio, forward the decision on the continuation of the enforcement to the private enforcement agent involved.

Article 62
Postponement of enforcement based on third party motion

1. Third person may file a motion for postponing the enforcement under the conditions foreseen by the provisions of article 61 paragraph 2 of this Law.

2. Enforcement body ruling on postponing the enforcement based on third person's motion shall be forwarded to the debtor and creditor.

Article 63
Time for which the enforcement is postponed

1. The enforcement body shall postpone the enforcement based on article 61 and 62 of this Law for the time considered reasonable bearing in mind the circumstances of the concrete case, but not longer than six (6) months except in cases in which paragraph 3 of this Article applies.

2. If the law provides for the deadline by when the enforcement is proposed, its postponement cannot be done out of such deadline.

3. In case the parties agree on payment of the credit in installments, the creditor shall inform the enforcement body of this agreement. This notification shall postpone the enforcement, until such time as the creditor shall inform the enforcement body that the debtor has failed to comply with the terms of their agreement.

Article 64
Continuation of the postponed procedure

A postponed enforcement may resume upon request of the party that requested postponement before the expiration of the period of postponement. In such event, the other party shall be notified on resuming the enforcement procedure through standard mail delivery to the last know registered address. If the creditor does not request the continuation of procedure even after fifteen (15) days from the day of expiration of the deadline for which the enforcement has been postponed, the enforcement body shall abandon the enforcement procedures of the case through a decision.

Article 65
Suspension of the enforcement procedure

1. Unless foreseen otherwise by this law, the enforcement shall be suspended ex officio in these circumstances:

1.1. when the debtor or its assets cannot be located for purposes of notification or sequestration of assets within three (3) months of initiation of the enforcement case, despite at least two (2) attempts by the enforcement body to locate that person for purposes of notification or sequestration of assets;

1.2. when the enforcement body has attempted to enforce the decision at least two (2) times without producing the result intended by either of those actions;

1.3. when the address of the debtor listed in the enforcement proposal is proved to be incorrect, while the creditor is unable to demonstrate to the enforcement body the accuracy of the address.

2. The suspended procedure through a conclusion as mentioned in paragraph 1 of this Article, may continue, if the creditor within six (6) months, submits new evidence regarding the suspended issue, on the contrary the procedure is considered completed.

Article 66
Completion of enforcement procedure

1. Unless foreseen otherwise by this law, the enforcement will conclude ex officio if the enforcement document is annulled, amended, revoked, invalidated or in other manner rendered ineffective, respectively if the certificate for its enforceability is annulled by a final decision. Enforcement will also conclude ex officio if a case has been suspended twice and fulfills the criteria for entering suspended status as defined in paragraph 1 of Article 65 of this Law.

2. Enforcement will end ex officio also when in accordance with legal provision by which are regulated obligatory relations, third person fulfills obligation in benefit of the creditor instead of debtor.

3. Enforcement will end also when it has become impossible or for other purposes it cannot be enforced, and after expiring the absolute statute of limitation for enforcement.

4. After the settling of the creditor's credit, a decision shall be issued ending the enforcement procedure.

TITLE VIII

LEGAL REMEDIES

Article 67
Regular legal remedies

1. In the enforcement procedure, regular legal remedies are:

1.1. objection, and

1.2. complaint.

Article 68
Extra-ordinary legal remedies

1. No repetition and revision of the procedure is allowed in enforcement procedure.

2. Restitution into previous state shall be permitted only in case of disrespecting the deadline for filing an objection and appeal against the enforceable decision for compulsory enforcement.

Article 69
Objection against decision on enforcement

1. Objections may be presented only against the decision allowing the enforcement.

2. Objections shall be filed in written in the basic court that issued the challenged enforcement, when the court is the enforcement body.

3. Objections shall be filed in written, in the basic court as provided under paragraph 5 of Article 5 of this Law when the enforcement body is a private enforcement agent.

4. The basis for the objection must be stated and supported by appropriate evidence. Evidence for objection must be submitted in written otherwise the objection shall be rejected.

5. Objections against the enforcement decision or enforcement writ may be filed exclusively under the provisions of Article 71 of this Law.

6. Objection shall contain details of the enforcement decision appealed, reasons of objection and debtor's signature.

7. The decision by which the enforcement proposal is rejected or refused may be attacked only by an appeal of the enforcement creditor. This appeal shall be governed by Article 77 of this Law.

Article 70
Legal time-limits for presenting the objection

An objection may be filed with the court within seven (7) days from the day of receiving the enforcement decision or enforcement writ.

Article 71
Reasons for objection

1. Objection under article 69 of this Law may be based only on findings that:

1.1. the document, based on which the enforcement decision or enforcement writ has been issued, does not have an executive title, or if it does not have any feature of enforceability;

1.2. the enforcement, based on which the enforcement decision or enforcement writ has been issued, is overruled, annulled, amended or in other way invalidated, respectively if in other way has lost its effect or it is concluded that it is without legal effect;

1.3. parties, through the public document or certified document according to the law drafted after the creation of enforcement document, have agreed not to require, for a limited time or permanently, the enforcement based on enforcement document;

1.4. deadline by when, according to the law the enforcement may be requested, has expired;

1.5. the enforcement is assigned for items which are excluded from compulsory enforcement, and as a result of that exclusion the possibilities for enforcement are limited;

1.6. enforcement creditor is not authorized to request enforcement on the basis of enforcement document, respectively he is not authorized to request the enforcement against the debtor;

1.7. the condition given in the enforcement document has not been met, unless otherwise foreseen by the law;

1.8. the credit ceases to exist as a result of a fact that occurred at a time when debtor could no longer submit evidence of such fact in the procedure from which the decision has derived, that is, after the conclusion or a court settlement or an administrative settlement or in some other way;

1.9. the settlement of the credit is postponed, prohibited, altered, or in some other way prevented, whether permanently or for a limited time, as the result of an event that occurred at a time when the enforcement debtor could no longer made it known in the procedure rendering the decision, that is, after the conclusion of a court or administrative settlement or in some other way;

1.10. the claim from the enforcement document is barred by a statute of limitations;

1.11. if the court that issued the enforcement decision is not competent;

1.12. if the private enforcement agent who issued the enforcement writ is not competent.

Article 72
Response regarding the objection

1. On presented objection the court shall decide within fifteen (15) days from the day when the objection was filed.

2. The court shall deliver the statement of the objection and the supporting evidence to the opposing party and to all other parties to the enforcement proceeding within three (3) days after the court receives the objection. When the objection is against the action of a private enforcement agent, the court also delivers the statement of the objection and the supporting evidence to the private enforcement agent.

3. Responses to the objection must be submitted in written within three (3) days of receipt of the objection by the parties.

Article 73
Decision on objection

1. Court may decide on the objection out of court session. Alternatively, the court may schedule a public hearing if in the court's view it is necessary for a full understanding of the validity of the objection. The court shall notify all parties of the public hearing. If the court chooses to hold a public hearing, the hearing shall be held within five (5) days after the responses to the objection were required to be received by the court.

2. The decision on objection shall be issued by a single judge.

3. Through the decision, the objection may be accepted, refused as untimely, or rejected as incomplete or not permitted.

Article 74
Enactment and enforceability of decisions in enforcement procedure

1. The decision against which an objection is not filed within the foreseen deadline shall become final and enforceable.

2. The decision against which an objection is refused as untimely becomes enforceable, while if an appeal against the decision is not permitted, then it also becomes final.

3. The decision in which the objection is rejected becomes final if an appeal against it is not filed in the foreseen legal deadline, or if the filed appeal is dismissed as ungrounded.

Article 75
Presumptions for presentation of objection

1. A person other than the debtor who claims to possess a right to the object of enforcement that is incompatible with enforcement against that object may present an objection to the enforcement, with the request that the enforcement on object of enforcement be declared non-permitted in a part covered by his right.

2. The objection may be presented until the conclusion of the enforcement procedure.

3. The objection presented by the third person does not obstruct the commission of enforcement and settlement of the credit of enforcement creditor, unless otherwise foreseen by this law.

4. The objection of the third person is delivered by the court to the enforcement creditor and to debtor, with the request that they respond within seven (7) days time-limit to it.

Article 76
Court decision regarding the objection of third person

1. About the objection of third person the court will decide in enforcement procedure, or the submitter of the objection with a conclusion will be instructed that the intended right may be realized only through a claim in contested procedure.

2. When the enforcement is through the court, the court that issued the execution title or judgment the enforcement of which is challenged will decide the objection.

3. When the enforcement is through a private enforcement agent, the court with appropriate jurisdiction as defined in paragraph 5 of Article 5 of this Law shall decide on the objection.

4. Court will decide about the objection of third persons in enforcement procedure as many times as the circumstances of the concrete case allows, and especially when the submitter of an objection proves the grounds of his objection through the final judgment with a public document, or with an non-public document certified according to the law.

5. The objection shall not delay the enforcement procedure in the concrete case.

6. Against this decision a dissatisfied party is entitled to appeal in the second instance court within seven (7) days from receiving the decision, through the first instance court.

7. The presented appeal shall be forwarded for response to opposing party, who within three (3) days may present response to appeal to the same court.

8. The party filing the objection may also institute litigation proceedings after the expiration of the time limit set by the court until the moment of conclusion of the enforcement procedure; however, in such case the filing party shall bear any cost incurred by exceeding such deadline.

9. The third person may, in the litigation proceedings referred to in paragraph 1 of this Article, request from the court to establish the existence of his right if any of the parties contests such right.

Article 77
Appeals against the decision on the objection

1. Against the decision on objection parties have the right on appeal.

2. The appeal against the decision on objection shall be filed through the first instance court for the second instance court within seven (7) days from the day of acceptance.

3. Copy of the appeal shall be submitted to opposing party and other participants who may present response to the appeal within three (3) days.

4. Following receiving the response to appeal or following the deadline for response, the case with all submissions shall be sent to the second instance court within three (3) days. Regarding the appeal, the second instance court shall decide within fifteen (15) days.

5. The appeal on the decision on the objection does not halt the executive procedure unless guarantees have been provided for the full amount of the credit as described under Article 78 of this law.

6. In the event the debtor as appealing party is successful in its appeal, and if its assets have been enforced against upon pursuant to the enforcement decision, he may seek counter-enforcement under the provisions on counter enforcement of this law.

Article 78
Guarantees for appeals against a decision on an objection for a credit based on authentic document

1. First instance court in cases when debtor wishes to present an appeal against the decision that rejected his objection related to enforcement proposal based on authentic document shall order the appellant to pay the guarantee amount in cash as prerequisite for presenting an appeal, unless the payment of guarantee causes irreparable damage to the appellant and unless the damage is different and unrelated to the loss that would be caused by payment of the credit.

2. The court shall decide the amount of the guarantee payment, taking into consideration the interest of both litigants. The court shall order the payment of a guarantee in the full amount of the credit in every appeal in which the execution title is based on an authentic document, unless the appealing party demonstrates that it is eligible for social treatment or will impose irreparable injury upon that party different from an unrelated to the payment of the credit.

3. After the court has issued its decision on the guarantee amount, and if the appealing party asserts that it is unable to pay the guarantee amount decided upon by the court, the financial condition of the appealing party shall be determined in accordance with the procedures specified in Article 45 and 46 of this Law. Possession of enforceable cash assets in excess of the guarantee amount shall be regarded as dispositive of the availability of assets to satisfy the guarantee amount. In the event the appealing party is determined unable to pay the guarantee amount, the court shall fix a lower amount.

4. In event the appellant fails to pay the amount of guarantee decided by the court, the appeal shall be considered as not filed by the appellant.

5. The appeal to the second instance court may proceed once the guarantee amount has been paid to the first instance court.

6. The first instance court shall place the guarantee funds in a special account of the court.

7. If the second instance court rules that the issues raised on appeal shall be reconsidered by the first instance court, the guarantee funds shall be held in the escrow account until final decision is reached on the case, unless the court decides differently.

8. If the appeal is accepted and debtor wins the case, the court shall refund the guarantee to the appellant and terminate the enforcement. If the appeal is rejected, the appeals court ruling shall be considered an executive title under paragraph 1 of article 22 of this law and guarantee funds shall be sequestrated to cover the procedural costs and claim of the creditor according to enforcement

proposal. Amounts due but not covered by the sequestrated funds, including procedural costs of the appeal, shall constitute a credit to be collected from the debtor in a continuing enforcement procedure.

Article79
Complaints against irregularities during the conduct of enforcement

1. A party or another participant in the procedure may file a complaint with a court concerning irregularities committed by the enforcement body during the conduct of enforcement procedure. The present delivery is made by a written submission to the competent court within seven (7) days of the alleged irregularity.

2. Upon request from paragraph 1 of this Article, if the submitter has proposed this, the court issues decision within three (3) days from the day of delivery of submission.

3. Against the decision provided in paragraph 2 of this Article, parties or other participants in the procedure are entitled to appeal. The provisions of article 77 of this Law on appeal against the decision are applicable.

CHAPTER II

MEANS AND OBJECTS OF ENFORCEMENT

TITLE I

ENFORCEMENT FOR SETTLEMENT OF MONETARY CREDIT

Article 80
Order for settlement of credits at more creditors

The claims of several creditors who have unenforced enforcement titles against the same debtor shall be enforced based on the order in which they have taken action to settle their credit by claiming such object, except in the cases when the law provides otherwise.

Article 81
Extent of enforcement in case of monetary credit

Enforcement for settlement of monetary credits is assigned and applied to the extent necessary for the settlement of such requests.

Article 82
Territorial jurisdiction in case of court enforcement

1. To decide on the enforcement proposal for movable items and for the commission of such enforcement, territorial competence is with the court in territory where such items are situated as shown in the enforcement proposal.

2. Provisions of the paragraph 1 of this article shall also apply accordingly in the cases against which the enforcement is initiated ex officio.

3. Creditor may request the enforcement body to issue an enforcement decision on movable items, without mentioning the place of location.

4. To decide regarding the proposal from paragraph 3 of this Article, territorial jurisdiction is with the court in territory of debtor's residence, and if he does not have residence in Kosovo, then the court in the territory of which he resides, in cases of physical persona. If debtor is a legal person, territorial jurisdiction is with the court where the seat is located.

5. In the case from paragraph 3 of this Article, the enforcement creditor may submit the enforcement decision to any court of substantive jurisdiction in the territory where debtor's items are situated, with a proposal that that court conducts the enforcement.

Article 83
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement against movable items, including movable items located in unknown location.

Article 84
Delivery of the enforcement decision to the other court

If the court has assigned enforcement on movable items located in its and other court's territory, after the commission of enforcement on movable items in its territory, the enforcement decision shall be delivered to the other court for further enforcement until the full settlement of the enforcement creditor's credit. The court from which the case was moved shall, upon the completion of the move, cease to have competence for the case.

Article 85
Derogation from enforcement

1. The following shall not be subject to enforcement:

1.1. clothes, shoes, underwear and other personal belongings, linen, kitchen utensils, furniture, stove, refrigerator, and other objects with common values that serve for satisfying the basic needs of the household, if they are needed by the debtor and the members of his/her household;

1.2. three (3) months supply of food and heating materials used by the debtor and the members of his/her household;

1.3. labor and breed livestock, agricultural equipment and other tools, seeds, food for the livestock, tools, machines and other objects that the debtor - farmer or craftsman needs for maintaining of his/her agricultural work, respectively for performing the craftsmen activity, necessary to achieve minimum income necessary to support him/herself and the members of his/her family;

1.4. books and other objects needed by the debtor who independently and with personal labor, performs a scientific, artistic or other professional activity;

1.5. cash of the debtor which is permanent monthly income up to the monthly amount, which according to the law is exempt from enforcement, proportionally with time-limits, until next payment;

1.6. the debtor's decorations, medals, military honor certificates and other decorations or recognitions of honor, a marriage ring, personal letters, manuscripts or other personal documents which belong to the debtor as well as family pictures; and

1.7. medical aids given to a disabled person or to some other person with physical handicap in accordance with regulations, or which he/she has personally obtained and which are necessary for performing his/her life functions

2. The provisions from sub-paragraph 1.3 of paragraph 1 of this Article shall not apply to enforcement for settling monetary claims of banks, based on specific loans for the purpose for development of agricultural, respectively craft activity, provided that this special purpose has been specifically stated in the credit contract

3. Mail packages or postal monetary transfers addressed to the debtor cannot be object of enforcement before they are delivered to the debtor

Article 86
Enforcement actions

Enforcement for movable items is conducted through registration, sequestration, and evaluation, selling of such items and settling the credit from the amount obtained from sale of such items.

Article 87
Notification on sequestration

1. Enforcement body in principle, before starting the sequestration, delivers to the debtor enforcement decision and orders him to pay the amount of money together with the interests and procedural expenses, for which the enforcement is permitted.

2. In case of impossibility to deliver the enforcement decision or writ to the debtor on sequestration, it is permitted to perform the notification by posting a notice of the date of sequestration on the table of announcements at the enforcement body and also by leaving a copy of the enforcement decision at the premises at which sequestration shall occur.

3. About the time and place of sequestration of movable items, the creditor will be notified by the enforcement body.

4. Non-attendance of the parties does not obstruct the commission of sequestration.

5. The party which was not present at the place of conducted sequestration will be notified on conducted sequestration.

Article 88
Object of sequestration

1. Sequestration shall be conducted through the drafting of an inventory register.
2. An inventory of movable items in the possession of debtor and the debtor's items in the possession of creditor will be performed.

3. If third persons do not notify the enforcement body for their rights on the items in debtor's possession, and do not prove their rights within thirty (30) days from the notification date, and latest three (3) months from the sequestration date, it is considered that such rights of third persons do not exist and that debtor is the owner of the items under his possession.

4. It is assumed that the matrimonial and extra-marital spouses are equal co-owners of all movable items that are in the house, flat or their business premises.

5. Debtor's items that are in the possession of third person may be registered only upon consent of latter.

6. If the third person does not agree with the inventory, the enforcement authority, upon proposal of creditor may pass, to the latter the debtor's right to receive the items from the third person.

Article 89
Volume of sequestrating inventory

1. Sequestrating inventory include movable items which suffice for settling monetary credit of enforcement creditor and for payment of procedural expenses.

2. Firstly inventory is performed on items on which there are no objection regarding the existence of the right that would obstruct enforcement and items which may be easily sold.

3. During inventory, the statements and evidences of parties and third persons are taken into consideration regarding the existence of rights from paragraph 2 of this article.

Article 90
Custody of inventoried items

1. The enforcement body shall leave the inventoried items to debtor for custody. Upon proposal of the creditor, the enforcement body may decide to hand them over to him for custody.

2. The risk of destruction or damage of inventoried items provided for custody to the creditor shall be born on the latter, except when the destruction or damage come as a consequence of major force.

3. Inventoried cash money, securities and valuable items are handed over to enforcement body deposit.

4. Also other items of big value may be handed over to the enforcement authority deposit, if suitable for custody.

Article 91
Prohibition of disposal on inventoried items

1. Each person who possesses or supervises the inventoried items is prohibited to dispose such items without the order of the enforcement body. Provisions of Article 15 of this Law shall apply in such cases unless such possession presents a criminal act.

2. The enforcement decision or enforcement writ emphasizes the prohibition from paragraph 1 of this article and the debtor shall be notified on legal-criminal consequences in case of violating the prohibition.

Article 92
Gaining the right of pledge

1. Creditor gains the right of pledge for inventoried movable items.

2. If the inventory is done in benefit of more creditors, the order of priority of the right on pledge from paragraph 1 of this article, obtained through inventory or writing in the register of inventory for the purpose of sequestration, shall be assigned according to the order of receiving enforcement proposals by the enforcement body. If such proposals have arrived to the enforcement body at the same day, the right of pledge would be considered as being of the same order.

3. Enforcement proposal submitted to the enforcement body through registered letter shall be considered to be submitted to the enforcement body at the day it is handed over to the post office. Proposal for enforcement delivered by the enforcement body through electronic communication, if allowed by the enforcement body, shall be considered as delivered to the enforcement body on the date of transmission of electronic communication in line with the law on contested procedure.

Article 93
Unsuccessful attempt for sequestration

1. If during sequestration of the wealth of debtor no movable items are found which may be the objects of enforcement, the enforcement body shall inform the requester of enforcement if he was not present during the sequestration.

2. With request of the creditor which claims that the debtor may know where the missing movable property may be found, enforcement body shall order the debtor, within three (3) days from the day of delivery, to provide the information on the location of movable properties. If the debtor does not respect this obligation, provisions of articles 15 and 16 of this Law shall apply.

3. Requester of sequestration, within three (3) months from the day of notification delivery, respectively from the day of attempt of sequestration during which he was present, may propose repeating sequestration.

4. If requester of enforcement within the deadline from paragraph 3 of this article does not propose repeating sequestration, or if even in the repeated case of sequestration are not found items which may be the objects of enforcement, the enforcement authority shall suspend the enforcement procedure. Suspension in this case shall be regulation by the provisions of article 65 paragraph 1 of this law.

Article 94
Evaluation of the sequestrated items

1. In the case of sequestration of assets, enforcement body evaluates the value of movable items.

2. Evaluation shall be done by the enforcement authority, unless the court has assigned the court evaluator or special expert, or the private enforcement agent has assigned a special expert.

3. Party may propose that evaluation be conducted by expert even when it is not foreseen by the enforcement body. If the enforcement body approves such proposal, the proposer shall pre-pay the expert's costs, within deadline assigned by the enforcement body. If the pre-payment is not done within deadline assigned by the enforcement body, it is considered that the proposer has withdrawn his proposal.

4. Over the proposal from paragraph 3 of this article, the enforcement body shall decide through a decision in the form of conclusion.

5. Costs of expertise from paragraph 3 of this article shall be charged on the proposer, notwithstanding the conclusion of the enforcement procedure.

Article 95
Reevaluation of the sequestered items

1. Each party has the right within three (3) days from the day of conducted evaluation of the sequestered items, to propose to the enforcement body the lowest or highest value of sequestered items from the one determined before, or determination of new evaluation. This shall not be permitted if the first evaluation has been conducted by the expert.

2. Over the proposal from paragraph 1 of this article, the enforcement body shall decide through a conclusion.

Article 96
Record on registration and evaluation

1. For registration and evaluation of sequestrated items, the enforcement authority shall draft the record.

2. The record indicates separately the sequestered items and their determined value, and notes the statements of the parties and other participants in the procedure, but also of third persons for eventual existence of their rights which may obstruct the enforcement of the sequestered items.

3. A certain mark shall be placed on sequestered items indicating the sequestration.

4. Creditor is entitled to publish the enforcement body record on sequestration of debtor's items, in the public information means.

Article 97
Noting the data from another enforcement in the record

If another enforcement is assigned after the conducted sequestration over the sequestered items for the purpose of settling another claim of the same creditor, or claim of other creditor, no registration or repeated evaluation of the sequestered items will be done, but further in the record the data from the latter decision for enforcement will be noted.

Article 98
Time of sale of sequestered items

1. The sale of the sequestrated items shall be conducted not earlier than fifteen (15) days, and not later than thirty (30) days, from the date of sequestration.

2. The sale may be conducted also after the expiration of the fifteen (15) days' deadline from paragraph 1 of this article if debtor proposes so, or if he agrees with the creditor's proposal that the sale of the sequestrated items be conducted earlier.

3. The sale of the sequestrated items may be done before the expiration of the fifteen (15) days' deadline from the paragraph 1 of this article, if such items have short shelf life, or when there is a possibility of obvious diminishing their price after a short time.

4. If the creditor guarantees for eventual damage which should be compensated to debtor in case of annulment of the enforcement decision, the sale of the sequestrated items may also be conducted before the expiration of fifteen (15) days' deadline from paragraph 1 of this article.

Article 99
The method of sale of the sequestrated items

1. The sale of sequestrated items shall be done through the verbal public auction, or through direct settlement between the purchaser, in one side and the enforcement body, or other authorized subject in other side.

2. The mode of sale of items shall be determined through enforcement body conclusion, bearing in mind the goal to achieve the most suitable price for the debtor.

3. Public auction shall be administered by the enforcement body or other person assigned by the enforcement body.

4. Sale through direct settlement shall be conducted between the purchaser, in one side and the enforcement body, or the person who conducts commission actions, in the other side. The enforcement body shall sell the sequestered items in behalf of and for the account of the debtor, while the person who deals with commission actions, acts in his behalf but for account of debtor.

5. Sale through auction will be assigned if it concerns about sequestered items of high value, and it may be expected that these may be sold in higher price than the evaluated value.

6. Sale of items will be published in notification table of the enforcement body at least fifteen (15) days before the holding of session for their sale. Publication of sale may be done also in a manner foreseen for publication of sale of immovable items. A party may determine that, in addition to these means of announcing the sale to the public, other means of announcement may be employed, at the expense of that party, and the enforcement body shall facilitate these additional means of announcing the sale.

7. Creditor and debtor shall be informed about the place, day and hour of the sale of sequestered items.

Article 100
First session of public sale

1. Sequestrated items can be sold in first auction at a lower price that the one assigned, but not at a price lower than eighty percent (80%) of the value assigned during the registration and evaluation of

movable items of the debtor, respectively in the deadline assigned by the enforcement body for their sale through direct settlement.

2. The first auction shall be organized within thirty (30) days from the date of sequestration.

3. If the sequestrated items are not sold at this minimum price allowed from paragraph 1 of this article, the enforcement body shall announce the failure of the auction and shall invite the creditor to propose the second auction within fifteen (15) days.

Article 101
Second session of public sale

1. Upon proposal of the party, the enforcement body shall assign new auction in which the sequestered item may be sold at a price no less than fifty percent (50%) of the price set during the evaluation.

2. The party may present the proposal for another auction, or for the sale through direct settlement, within fifteen (15) days from the day of first auction, respectively from the day when the deadline assigned by the enforcement body for sale through direct settlement elapses. The second auction shall take place within thirty (30) days since the proposal for second auction.

3. Provision from paragraph 1 of this article shall also apply if sequestered items could not be sold in the price as evaluated through direct settlement within the deadline assigned by the enforcement body.

4. If the assets from paragraph 1 of this article are not sold within sixty (60) days since the day of first auction or in case of unsuccessful attempt to sell from paragraph 2 of this Article, the creditor may request the transfer of items to his ownership, for partial or full recovery of the credit with the evaluated price of those items.

5. Above provisions of this article are accordingly applied also for the sale of sequestrated items through direct settlement.

Article 102
Suspension of procedure

1. The enforcement body shall suspend the enforcement if none of the parties presents proposal for second auction, or for sale through direct settlement according to Article 101 paragraph 2 of this Law respectively if the creditor does not present a proposal for transfer of items possessed by the creditor, within the deadline foreseen by article 101 paragraph 4 of this law.

2. Above provisions of this article shall apply appropriately on the sale of sequestrated items through direct settlement.

Article 103
Rights and obligations of purchaser

1. The purchaser shall deposit the purchasing price and immediately take over the items after the conclusion of auction, or sale through direct settlement.

2. The enforcement body shall hand over the items to purchaser even before depositing the amount of money in the height of purchasing price, if the creditor gives his consent at his own risk, within amount that would belong to him from the realized sale price.

3. If the purchaser does not deposit the amount of money on behalf of purchasing price, the persons from paragraph 2 of this article, may request the enforcement body in the same procedure to order the purchaser with a decision, to do the deposit, and after it becomes final, to propose its enforcement.

Article 104

Moment when the purchaser becomes the owner

1. At the moment when the purchaser of items takes them in possession, he becomes the owner after depositing the full price.

2. The purchaser does not have the right to appeal for physical and legal defects of the item.

Article 105
Payment of enforcement creditor

1. If from the obtained money from the sale of items, only one creditor settles the claim, the enforcement body without scheduling a session, through decision shall order the payment of the following from the amount of obtained money from the sale of items, in the following order: procedural costs, certain costs in enforcement document, interests until the day of the sale of items, and main request for settlement of which is initiated the enforcement procedure.

2. The money that remains after the fulfillment of the main request shall be handed over to the enforcement debtor, if here are no obstacles.

Article 106
Payment when there are more creditors

1. If in the enforcement procedure, more creditors settle their requests claims, respectively if except creditor also other persons, whose rights are abolished in the moment of sale of movable items, settle their claims, then they will settle their claims in order by which they have obtain the right of pledge, or other right which is abolished at the moment of sale of sequestered items.

2. Settlement of claims in assigned manner in paragraph 1 of this article shall be conducted only if the law, for certain claims, has not provided for the right of priority settlement.

Article 107
Proportional settlement of credits

1. Creditors of the same order, who from the amount of obtained money from the sale of items, cannot be paid completely, are paid proportionally with the extent of their requests.

2. During the issuance of the decision on payment, the enforcement body shall take into consideration only the claims based on which the enforcement decision or enforcement writ has become final at the day of the sale of the sequestered items.

3. Costs of the enforcement procedure, costs assigned in the enforcement document and interests have the same order of payment, as the main relevant claim.

4. The money that remains after the fulfillment of the claims shall be handed over to the debtor in enforcement procedure, if there are no legal obstacles.

Article 108
Application of the provisions for enforcement on immovable items

Provisions of this law for enforcement on immovable items related to who cannot be a purchaser, provisions related to disputing the credits, instruction to contested procedure, and the decision for fulfillment of debtor's obligation in enforcement procedure, shall apply accordingly at enforcement of movable items for the purpose of settlement of monetary credits.

TITLE II

ENFORCEMENT FOR DEBTOR'S CREDITS

Article 109

Territorial jurisdiction in case enforcement against debtor's credit

1. To decide on proposal for enforcement for monetary credits of debtor and for application of such type of enforcement, territorial jurisdiction is with the court where the residence of debtor is located. If debtor does not have residence in Kosovo, territorial jurisdiction is with the court competent for the territory where debtor stays.

2. If debtor does not have a residence nor a place of stay in Kosovo, territorial jurisdiction is with the court in territory where residence of debtor's debtor in enforcement procedure is located. If debtor's debtor does not have a residence or a place of stay in Kosovo, territorial jurisdiction is with the court in territory of which is place of stay of debtor's debtor.

3. For debtor as legal person, territorial competence is with the court where the seat of legal person is located or the seat of its organizational unit, also the court competent over the territory where the enforcement document is issued.

4. Private enforcement agent shall have the territorial jurisdiction to decide on enforcement proposal and carry out the enforcement on monetary credit of debtor.

Article 110
Territorial jurisdiction in case of court enforcement in case of legal nutrition

Exceptionally from article 109 of this law, enforcement creditor of credit for legal nutrition, has the right to present his proposal to the court in territory of which is his residence or place of stay.

Article 111
Exclusion from enforcement

1. Incomes from the legal nutrition are excluded from enforcement, if not related to the credits of the same type.

2. The object of enforcement cannot be the credits based on taxes and contributions assigned by the law.

Article 112
Limitation of enforcement

1. Enforcement against personal incomes, on reward instead of salary and on pensions, may be assigned and applied up to the half of their amount. The amount to be sequestrated shall be limited in the part that exceeds the amount of social benefit paid in the territory where the debtor lives.

2. Enforcement for guaranteed profit which belongs to debtor in enforcement procedure, based on collective contract and law, may be assigned and applied up to the one third (1/3) of its quantity.

3. Provisions of paragraph 2 of this article shall also apply in the case of enforcement against the incomes based on rewards, due to bodily damage according to the provisions of disability guarantee, incomes based on social assistance, incomes based on temporary unemployment, incomes based on children's allowances, incomes based on student's scholarship and assistance to students and pupils, and incomes from work of the persons convicted to imprisonment.

4. Enforcement against incomes based on the contract for life nutrition of and for life rent, and also incomes based on the contract for life guarantee, may apply only in a part which exceeds the amount of the highest permanent social assistance which is paid in the territory where debtor has his residence.

5. Enforcement against the incomes of the war invalids, and the ones provided with invalidity allowances, may apply only for fulfillment of the credits based on legal nutrition, compensation for caused damage due to the loss of working ability and reward for damage due to loss of nutrition because of the death of nutrition provider, up to amount of half of these incomes.

Article 113
Enforcement actions

Enforcement against monetary credits of the debtor in enforcement procedure shall apply through its sequestration and transfer, if this law, for special cases, does not provide otherwise.

Article 114
Extent of enforcement

1. Sequestration and transfer of monetary credit may be assigned only on the amount needed for settlement of the credit of creditor, unless it is concerned indivisible credit.

2. If more creditors claim the enforcement for the same debtor's credit which is divisible, sequestration and transfer shall be assigned in respective separate amounts in benefit of each proposer.

Article 115
Sequestration of debtor's credit

1. With the decision assigning the sequestration of credit's monetary credit, the debtor's debtor shall be prohibited to pay to debtor the debt, while the latter is prohibited to settle such credit, or to dispose with it in some other way.

2. Prohibition includes also the disposal of pledge contracted for guarantee of the sequestrated credit.

Article 116
The effect of sequestration of credit

1. Sequestration of debtor's monetary credit is considered finished at the day when the decision on sequestration is delivered to the debtor's debtor.

2. Creditor through completed sequestration gains the right of pledge for the credit of debtor.

3. Debtor's debtor does not have a right to object or to appeal against the decision on sequestration of his creditor's credit.

Article 117
Sequestration of credit based on securities

1. Sequestration of credit based in securities which is transferred through endorsement, or for settlement where securities are needed, shall be conducted by the enforcement body in the way that it takes over the securities from the debtor and hands them over to the court.

2. Sequestration shall be considered finalized at the moment when the securities are taken from debtor in enforcement procedure.

3. Legal actions needed for preservation or settlement of the right from securities shall be conducted by the enforcement body on behalf of the debtor in support of the conclusion issued by the enforcement body.

Article 118
Sequestration of credit based on savings deposit

1. Exceptionally from the provisions of article 115 of this law, sequestration of credit based on savings deposit in the bank, or in other financial organization, may be conducted even before previously taken savings account from the debtor.

2. If enforcement creditor in his proposal has not shown data regarding savings deposit of enforcement debtor, then the enforcement body will request such data from the bank in which is the savings deposit, and which bank should be indicated in creditor's proposal.

3. The bank in which is the savings deposit, shall within one (1) working day send to enforcement body the requested data and the bank shall not inform the enforcement debtor regarding the request of the concerned data from the enforcement authority.

Article 119
Conduct of sequestration

1. Sequestration shall be conducted by sending the decision or order on sequestration to the bank where the savings deposit is held.

2. The enforcement body delivers the decision or order on sequestration of savings deposit to the enforcement debtor, only after notification from the bank in which is savings deposit, that the sequestration is finished.

Article 120
Right of pledge on interests

The right of pledge obtained for the debtor's credit from which are stemming interests, belongs also to the interests which became required after finished sequestration.

Article 121
Order of priority

1. Priority order of the rights of pledge of more enforcement creditors shall be assigned according to the day of the arrival of proposals for enforcement to the enforcement body.

2. If enforcement proposal shall be delivered to the enforcement body through post office with registered letter, the day of delivery to the post office shall be considered as the day of delivery to the enforcement body.

3. If enforcement proposal of more creditors arrived to the enforcement body at the same day, the rights of pledge shall have the same order of priority.

4. Credits of the same order of priority shall be realized proportionally in case credits cannot be realized fully due to insufficiency of the debtor's credit against the third person.

Article 122
Order of priority for the right of pledge

If application of enforcement against debtor's monetary credit abolish the rights of pledge and other rights obtained before the start of enforcement procedure, the order of priority for settlement of such rights shall be assigned according to the provisions which regulate gaining of order of their priority out of enforcement procedure.

Article 123
Sequestration of the credit ensured with the right of pledge registered in public register

1. Sequestration of the credit ensured with the right of pledge registered in public register, is conducted by noting the sequestration in such register.

2. Registration shall be done ex officio by the enforcement body, emphasizing that the sequestration based on which is gained the right of pledge on credit, is done with aim of settlement of the credit of creditor.

3. If there are more creditors, the order of priority for their credits shall be assigned according to the time of registration.

Article 124
Statement of the debtor's debtor

1. Enforcement body, upon the creditor's proposal, shall request the debtor's debtor to declare within ten (10) days from delivery of the enforcement body's order on whether and at what amount he would admit the sequestered credit, and whether he is he ready to settle the debt, and also if his obligation for paying the debt is conditioned with fulfillment of any other obligation.

2. Proposal for declaration of debtor's debtor, the creditor may merge with the enforcement proposal, or may provide it, through special submission, after this proposal, but not later than until transfer of the credit.

3. The statement of debtor's debtor will be delivered with mail to registered addresses of the creditor and to debtor within five (5) days from the receipt from the enforcement body.

Article 125
Responsibility of the debtor's debtor

1. Debtor's debtor shall be responsible to the creditor for the damage caused by his non-declaration or for providing inaccurate or incomplete declaration. Creditor may request compensation through contested procedure to cover damages caused by debtor. Assessment of damage shall comprise the full debtor's request, and compensation for any payment, if there are additional damages.

2. The enforcement body shall warn the debtor's debtor about this responsibility.

TITLE III

TRANSFER OF CREDIT

Article 126
Types of transfer of credit

1. Sequestrated credit shall be transferred to the creditor in accordance with his proposal for encashment or instead of payment.

2. If the creditor does not decisively assign the type of transfer of credit, it shall be considered that he proposes the transfer for the purpose of encashment.

Article 127
Decision for transfer of credit

1. Decision or order for transfer of credit shall be issued only after the decision or order for sequestration becomes final.

2. If the creditor has proposed that debtor's debtor give statement about the credit for which the enforcement is proposed, the enforcement authority will issue a decision or decision on proposal for transfer, after the expiration of three (3) days deadline, from the day when to the creditor the notification for declaration of debtor's debtor was delivered.

Article 128
Payment of an amount in enforcement body account

In enforcement decision, enforcement writ or in special decision for transfer of credit, the debtor's debtor will be invited to deposit to the enforcement body the obligated amount of money, by paying in assigned account and for this he will inform the enforcement body.

Article 129
Special conditions for transfer of indivisible credit

1. Credit which is based on securities, which is transferred through endorsement, or which requires submission of this paper for the purpose settlement, or which for other reasons cannot be divided regarding the transfer or settlement, may be transferred only in its complete amount.

2. If this amount exceeds the amount of the request of enforcement creditor, the sequestrated credit will be transferred only after the creditor deposits guarantee that this excess will be handed over to the enforcement body.

Article 130
Transfer of credit partially excluded from enforcement

1. Credit which is partially excluded from compulsory enforcement, or which is sequestrated in benefit of other persons, is transferred only if the creditor deposits guarantee that he will hand over to the enforcement body the part excluded from compulsory enforcement.

2. If more creditors have presented proposals for transfer of credit, not at the same day, the enforcement body will conduct transfer of creditor the enforcement creditor who has first presented the proposal. If more enforcement creditors have presented proposals for transfer of credit at the same day, the credit will be transferred to the enforcement creditor who has biggest claim.

Article 131
Commission of transfer

1. Transfer of credit based on securities, which after the conducted sequestration is taken by debtor's debtor shall be considered as concluded at the moment when the enforcement body delivers to the creditor the letter in which is noted the decision for transfer.

2. Transfer of credit based on securities which is transferred through endorsement, or for settlement of which is needed its submission, shall be considered completed at the moment when the enforcement body in such letter puts the decision on transfer and that letter equipped with the decision is delivered to the creditor.

Article 132
Obligations of debtor and of creditor

1. Debtor shall within the deadline assigned by the enforcement body, and upon the request of the creditor in which the credit is transferred, give to the creditor explanations needed for the settlement of such credit and to hand over to him documents that has to do with this credit.

2. Creditor to whom only part of the credit is transferred, if the debtor requests, within deadline assigned by the enforcement body, shall provide guarantees that after the settlement of such credit, he will return documents related to the credit.

3. Enforcement body, upon proposal of creditor will apply compulsory enforcement against debtor for delivery of documents, if he himself does not deliver them.

4. The creditor may request the delivery of the documents held by the third person through a claim, if the debtor has this right.

5. In the document delivered to the creditor, the enforcement body will note that a transfer of credit was finalized for which enforcement was assigned.

Article 133
Depositing of money with the enforcement body

1. Debtor of the debtor, to whom the enforcement decision or enforcement writ or special decision for transfer is delivered, shall fulfill his obligation by depositing an amount of money or securities with the enforcement body.
2. If, for the purpose of settlement of credit in transferred money, creditor should have initiated court procedure or other procedure, the court or other body which conducts the procedure, in a decision by which approves the request of enforcement creditor, will order debtor's debtor that the obligated amount deposits with the enforcement body;

3. Based on the decision ordering the debtor's debtor to deposit an mandatory amount to the enforcement body, upon proposal of the enforcement creditor to whom the credit is transferred, the enforcement shall apply against debtor's debtor and realized money by this enforcement after ex officio payment of procedural costs, will be delivered to the enforcement body.

Article 134
Authorizations of enforcement creditor

1. With the transfer of credit for the purpose of encashment, and with the aim of informing the debtor's debtor on transfer, the creditor is authorized to request from the enforcement debtor's debtor payment of the noted amount in the enforcement decision or writ, or in special decision on transfer, if this amount has become required, to commit all needed actions for preservation and settlement of the transferred credit, and to use all rights regarding the given pledge for guarantee of such credit.

2. With transfer of credit for the purpose of encashment, creditor does not have a right that in the burden of debtor contracts settlements, or to pardon debt to the debtor's debtor, or to dispose with the transferred credit, or to agree with the debtor's debtor that the decision on credit, if it is disputable, to be issued by arbitration.

3. To the creditor to whom is transferred credit for encashment, the debtor's debtor may present only the objections which may be presented to the debtor.

4. Cession of the transferred credit completed by the debtor after its transfer does not have legal effect towards the rights of the creditor, obtained at the moment of its transfer.

Article 135
Transfer for encashment of the credit registered in public book

Transfer, for the purpose of encashment of credit registered in public book, is noted in it ex officio.

Article 136
Conditioning of debtor's debtor debt with handover of item

1. If the debt of debtor's debtor for payment of the debt depends on the obligation of debtor to hand over certain item, which is in possession of debtor, and it is certified that this obligation exists according to final decision, the enforcement body upon proposal of enforcement creditor to whom is transferred the credit for the purpose of encashment, will order the enforcement debtor to hand over the item to the enforcement body, in order to hand over the item to the debtor's debtor.

2. Upon request of the creditor, the enforcement body to the debtor who has not handed over the item within time-limit, will apply enforcement for the purpose of hand over of item.

Article 137
Notification of debtor for claim for the purpose of encashment of the transferred credit

Creditor who has rendered claim for the purpose of encashment of the transferred credit, has a duty that within five (5) days to inform the debtor for the initiated contested procedure, otherwise a contrary, he may be held responsible for the damages caused by non-informing.

Article 138
Delay in encashment of the transferred credit

1. Creditor who is careless regarding the encashment of the transferred credit is responsible for the damage caused by this to the other enforcement creditor who has a right of pledge, or other right which is deleted from the credit.
2. In the case from paragraph 1 of this article, the enforcement body upon proposal of other creditor, may overruled the decision or order for transfer of credit to first creditor and credit transfer to the other creditor.

Article 139
Payment of creditor

Creditor to whom the credit for encashment is transferred, shall be considered to have settled the credit in the amount of encashed credit.

Article 140
Encashment of larger amount than claimed by the creditor

1. Creditor, who has, from the transferred credit, encashed higher amount than claimed, shall deposit that excessive credit to the enforcement body.

2. The enforcement body will hand over such surplus to the other creditors insured through pledge, and to debtor, if such a right belongs them.

3. To the creditor who has deposited overage of the encashed amount, the enforcement body shall return the deposited guarantee.

Article 141
Transfer of sequestrated credit

1. Sequestrated credit shall be passed to the creditor through transfer instead of payment, up to the transferred amount with effect of cessation of credit with reward.

2. If the transferred credit is ensured with the right of pledge registered in public book, enforcement body will ex officio, transfer the rights of debtor to the creditor and will delete the right of pledge registered in benefit of debtor.

3. Creditor to whom was transferred the credit instead of payment, shall be considered to have settled the claim from the mere fact of transfer, in the level of this transferred credit.

4. The provisions of paragraph 3 of this article do not affect the responsibility of debtor for accuracy and conduct of the transferred credit.

TITLE IV

ENFORCEMENT AGAINST PERSONAL INCOMES AND OTHER PERMANENT MONETARY INCOMES

Article 142
Application of provisions

Provisions of article 109 to 141 of this law shall apply on the enforcement against personal incomes and other permanent monetary incomes, if provisions of article 143 to article 151 of this law do not provide otherwise.

Article 143
Enforcement decision or enforcement writ

1. By the enforcement decision or enforcement writ against personal incomes shall assign sequestration of the certain amount of personal incomes and order the employer who pays such amounts to the debtor, that the amount of money assigned for enforcement to be paid to the enforcement creditor from the moment when the enforcement decision or enforcement writ becomes final, unless other actions are foreseen by this law.
2. Employer according to this law is called state body, legal person, or other person who pays personal incomes to the enforcement debtor.

3. Enforcement decision also applies to the raise of incomes which may occur after the delivery of the enforcement decision or enforcement writ, and all other incomes of debtor, earned through employment.

4. Personal incomes in sense of this law shall be incomes from the work.

Article 144
Information from employer

The employer shall inform the enforcement body whether the debtor is his employee, and the level of the debtor's salary paid by the employer. Such information shall be provided within five (5) days of request by the enforcement body.

Article 145
Enforcement when the right to legal nutrition belongs to more persons

1. If the right to legal nutrition respectively the right of rent for lost nutrition because of the death of nutrition provider towards the same debtor held by several persons, while the overall amount of their requests exceeds the part of personal incomes which may be the object of compulsory enforcement, the enforcement shall be assigned and applies in benefit of each of them, proportionally with the extent of their requests.

2. If after the initiation of the application of the enforcement in personal incomes, respectively for other permanent monetary incomes, there is a new proposal for enforcement for credit from paragraph 1 of this article, the enforcement body will amend ex officio previously issued enforcement decision or writ in the sense of paragraph 1 of this article and will assign the amount which will in the future be paid to each of the creditors.

3. In the case from paragraph 2 of this article the enforcement decision or enforcement writ should be also delivered to previous creditor, who has the right of objection against this decision or order.

Article 146
Place of payment

1. Credits, for which is not foreseen the payment in non-cash money, shall be encashed by the creditor directly in the case where personal incomes are paid to the debtor.

2. Creditor has the right to request that the deducted amount be paid to him through post office in the indicated address, or in assigned bank account, after the deduction of post expenses.

Article 147
Termination of employment

1. If to the debtor terminates employment, enforcement decision or enforcement writ produces legal effect also against other employer who employs the debtor, starting from the day enforcement decision or enforcement writ when is delivered to such employer.

2. Former debtor's employer shall without delay, through registered letter, deliver to the new employer the enforcement decision or enforcement writ and inform the enforcement body.

3. Former employer shall inform the enforcement body without delay about the termination of employment of the debtor, if the new employer is not known to him, for which the enforcement body will inform the creditor, assigning him a deadline to collect data about the new employer of debtor.

4. If the creditor does not inform the enforcement body about the second employer within assigned deadline, the enforcement body shall suspend the enforcement procedure.

Article 148
Responsibility of employer for failing to pay off the required installments

1. Creditor may propose to the enforcement body in enforcement procedure to order through decision or order the employer of enforcement debtor to pay all installments which were not deducted from the debtor according to the enforcement decision or writ.

2. Request from paragraph 1 of this article may be presented by the creditor until the conclusion of the enforcement procedure.

3. Decision or order approving the request of enforcement creditor has legal effect on enforcement decision or enforcement writ.

Article 149
Responsibility of the employer for failing to deduct installments

Employer who has not acted according to the enforcement decision or writ, or who has not acted according to article 147 paragraph 2 and 3 of this law, shall be responsible for damage incurred to creditor due to the omission.

Article 150
Sequestration with consent of the debtor

1. Debtor is entitled to give his consent through certified document for the purpose of settlement of the creditor's request through sequestration of a part of his personal incomes and direct payment to his creditor, in the manner provided in such document.

2. Document from paragraph 1 of this article has legal effect of enforcement decision or writ.

3. The document from paragraph 1 of this article, which affects the delivery of enforcement decision or enforcement writ, shall be delivered to the employer of debtor by the creditor through registered letter. Exceptionally from the provisions of paragraph 1 of this article, sequestration based on consent of debtor does not produce legal effects in application of enforcement on personal incomes for settling the credit, based on legal nutrition, compensation of the caused damage, breach of health, decrease respectively loss of working ability and rewarding for damage based on loss of nutrition due to the death of nutrition provider.

Article 151
Application of the provision from this chapter

Provisions in this law on enforcement against personal incomes and other permanent monetary incomes shall also apply accordingly in enforcement procedure for other permanent monetary incomes of the enforcement debtor.

TITLE V

ENFORCEMENT OF CREDIT ACCORDING TO THE BANK ACCOUNT

Article 152
Compulsory enforcement

1. Enforcement for settlement of the monetary credit against the debtor may be applied for all monetary means he holds in his bank accounts, except in cases when the law provides for otherwise.

2. With the enforcement decision or enforcement writ against monetary means that are evidenced in the transaction account of debtor, the bank shall be ordered that the amount of money for which the enforcement is assigned, to transfer from transaction account of debtor to transaction account of creditor, while for credits which is not foreseen payment through bank account to pay such amount to the creditor in cash.
3. Enforcement against monetary credit, which according to the deposited savings, current account, foreign currency account, or any other account in the bank excluding the transaction account of debtor, belong to the debtor and are provided by the enforcement decision or writ, bank shall be ordered to pay to enforcement creditor the amount of money provided for enforcement.

4. Decision or writ from paragraph 3 of this article, has the effects of enforcement decision or writ assigning sequestration of monetary credit and its transfer for encashment.

5. The enforcement decision or writ from paragraph 1, 2, and 3 of this article, notes the number of the debtor's account from which the payment should be completed, or other manner of commission of payment.

Article 153
Territorial jurisdiction in case of court enforcement

Request for enforcement against money in debtor's bank account shall enter the territorial jurisdiction of the court where the bank main offices are located or the territory where the organizational unit of the bank is located where the debtor holds his/her accounts.

Article 154
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement against money in debtor's bank account.

Article 155
Obligation to provide data on the account

1. Enforcement body shall directly submit to the bank the enforcement decision or enforcement writ. Bank's official person shall record the date and time when the enforcement decision or writ was submitted to the bank. A copy of the enforcement decision or enforcement writ shall be sent to the Central Bank of Kosovo.

2. With the enforcement decision or enforcement writ, the enforcement authority obliges the bank to promptly inform the enforcement authority whether the debtor has a bank accounts with the bank and to disclose the numbers of all accounts held by the debtor in that bank. If the debtor is acknowledged as an account holder by the bank, the bank shall send to the enforcement authority a complete transactions history of all the debtor's accounts in that bank at least for the period starting thirty (30) days before receiving the enforcement decision or enforcement writ by the enforcement authority and ending at the close of business one day before the transaction history is submitted to the enforcement authority. This transaction history shall be an accurate transcript of the bank's normal account records, compiled by the bank in its normal business activities, and it shall contain each transaction in the account, including withdrawal of cash money, deductions or withdrawals from the debtor's account, and also their transfers within banks or between banks.

3. Bank shall respond to the enforcement body's request for information, under paragraph 2 of this article as to the existence of accounts in the bank of which the debtor is an owner within twenty-four (24) hours of receipt of the demand from the court. The bank shall provide the transactions history of each account under paragraph 2 of this article within three (3) days of receipt of the demand. Bank shall keep records indicating the date and time of receipt of all enforcement body's orders.

4. The Bank shall sent the notification to the enforcement authority about all changes in all of the debtor's accounts in that bank occurring after the date on which the transactions history in Paragraph 2 of this Article is forwarded to the bank. Such notifications shall be sent to the enforcement body for

each transaction in the account within one working day, including deposits or withdrawal of cash money, deductions or withdrawals from the debtor's accounts, and also their transfers within banks or between banks.

5. Upon the receipt by the bank of a transfer order from an enforcement body under Article 152 of this Law, the agent of the bank receiving the order shall record the exact time and date on which the transfer order is received, and that information shall be noted in the normal business records of the bank.

6. If there are sufficient funds in any or all the debtor's accounts to settle the credit at the time the transfer order is received, the bank shall within sixty (60) minutes of receipt of the transfer order, transfer funds from the debtor's accounts to the enforcement authority, or to the enforcement body's account, on behalf of the creditor named in the transfer order; the exact time of the transfer shall be recorded in the normal business records of the bank, and reported to the enforcement body as part of the report to the enforcement body provided by the bank noting the time of receipt of the enforcement body's order, time and amount of the transfer, the number or numbers of the accounts from which funds were withdrawn, and the receiving party or account number.

7. If there are insufficient funds in the account to settle the transfer order, the bank shall immediately institute a block of all accounts held by the named debtor, preventing all withdrawals of funds, for whatever purpose and in whatever form, until the bank has fulfilled the amount stated in the enforcement body's order or until the enforcement body's order is removed. This block of accounts shall not prevent deposits of funds into an account. The bank shall inform the enforcement body that a block has been placed, shall detail the number of the account or accounts that have been blocked, the time and date at which the block was placed on those accounts, and the amounts found in each account. Upon the receipt of the transfer order, the debtor named in the order shall not be permitted to open any new accounts at the bank until the order is fulfilled or the enforcement body's orders that the block on the account be lifted. The bank may not carry out an order from the debtor until it has paid to the enforcement body the full amount of the credit or has been notified by the enforcement body that the order has been released.

8. The enforcement body shall notify the bank to release the debtor's accounts upon payment in full of the credit, or upon termination of the execution process.

9. Upon a request from the enforcement body a bank shall provide explanations and documents to the enforcement authority demonstrating its compliance with the transfer order and all other enforcement body's orders.

10. Data which the bank sent to enforcement body and which has to do with transfer of monetary mean between banks should contain amongst others the name of recipient and the account number of receiving bank.

11. Failure of the bank and its official persons to comply with these provisions shall subject the bank to the penalties and liabilities of Articles 15 of this Law.

Article 156
Order of payment

1. Bank conducts payment in order according to the time of delivery of enforcement decisions or writs, unless otherwise foreseen by the law.

2. Bank keeps special evidence for order of enforcement decisions or writs, according to the day and time of reception and to the creditor it gives, upon his request, a certificate for the position of his credit in such order.

3. Bank cannot apply an order from debtor before he fulfills the assigned credit from the enforcement decision or enforcement writ, unless otherwise foreseen by the law.

4. With enforcement decision or enforcement writ is equalized public document, for which such thing is foreseen by the special law.

Article 157
Periodical payments

1. If the enforcement decision or enforcement writ orders the bank to conduct payments of certain amounts in certain time periods, the debtor should complete payments according to the order from the enforcement decision or enforcement writ. Debtor's accounts shall remain blocked until the full amount of the credit has been transferred or the enforcement body has ordered the release of the accounts.

2. In cases from paragraph 1 of this article, the order of payments of upcoming installments is counted according to the time of delivery of enforcement decision or enforcement writ.

3. Bank keeps special evidence for enforcement decisions and writs ordering future periodical payments.

4. The bank must inform the enforcement body on any impediment regarding the payment, especially discontinuation of periodic deposits into the debtor's account.

Article 158
Actions in cases where there are no funds in the account

1. If the account noted in the enforcement decision or enforcement writ has no funds, bank in such account will transfer the debtor's monetary funds from other accounts that he holds in that bank. The bank will comply with the order assigned by the creditor and in amounts assigned in enforcement decision or enforcement writ.

2. If the bank does not achieve to completely settle enforcement credit due to shortage of funds in the debtor's account, it will keep special evidence and based on that will conduct transfer as soon as the funds arrive into that account, unless by the enforcement decision or enforcement writ provides otherwise.

3. The bank should without delay inform the enforcement body on absence of funds in the debtor's account. The bank will accompany to the notification sent to the enforcement body the changes in the debtor's account.

Article 159
Actions in cases of obstructions for commission of enforcement

1. If bank considers that there are legal obstacles for enforcement according to the provisions from this chapter of this law, then it will keep the enforcement decision or enforcement writ, will conduct sequestration of the debtor's means and will inform the enforcement body about the existence of obstacles for enforcement.

2. In case of long-term obstacles, the enforcement body will suspend the enforcement procedure, while in cases of other causes it will inform the creditor and bank for further actions.

Article 160
Enforcement against debtor with joint responsibility

1. If based on enforcement document two or more debtors are jointly responsible, the enforcement body upon request from the creditor, against them shall issue only one enforcement decision or enforcement writ by which sequestration of the debtors account is conducted in amounts assigned in the enforcement decision or enforcement writ.

2. Proposer may assign in the enforcement proposal the order of debtors for sequestrating the means from debtors, and the order is not given, means will be taken according to the order the debtors are mentioned in the enforcement proposal.

3. If in the case from paragraph 2 of this article in the debtor's account are insufficient means for fulfillment of obligation, bank will sent the enforcement decision or enforcement writ for application to the bank of other joint debtor, together with the report for completed enforcement up to that moment, and for this it will inform the enforcement body without delay.

Article 161
Enforcement against several accounts

1. If the debtor has funds in several accounts in one or more banks, the proposer may indicate in his enforcement proposal the order in which accounts shall be charged, and if the proposer fails to do so, the accounts shall be charged according to the order in which the accounts are mentioned in the enforcement proposal.

2. If the enforcement creditor identifies more than one bank where the debtor hold his accounts, proposer may set the order in the proposal for charging banks, and if the debtor does not set the order, the accounts shall be charged in the order as mentioned in the enforcement proposal. If the debtor accounts in the first bank don't contain sufficient funds to settle the debt, the bank shall inform the enforcement body and the enforcement body shall send the enforcement decision or writ for enforcement to the next bank set by the proposer or the next bank as mentioned in the enforcement decision or writ.

3. Enforcement creditor may propose the payment by several banks simultaneously and the enforcement body may accord this right. Enforcement body may decide that different bank accounts are charged proportionally with the total value of the debtor's account held in those banks.

Article 162
Enforcement against foreign currency account

In case of enforcement of a credit in other currency, funds from the account of the debtor shall be exchanged into Euro, according to the rate of European Central Bank at the day of the transfer, in benefit of the account of debtor.

Article 163
Enforcement for settlement of credit in foreign currency

1. If the credit concluded in enforcement document is contained from the money in foreign currency and if the debtor has foreign currency account in such currency, the enforcement decision or enforcement writ will order the bank which holds the foreign currency account, to transfer certain amount of foreign currency from the debtor's account into account of creditor, or complete the payment in foreign currency in another way provided by the law.

2. Creditor may request that the enforcement for fulfillment of his credit in assigned foreign currency, to be permitted and applied in other accounts, or in other debtor's items, as enforcement for settlement of his credit in amount needed for purchasing foreign currency obliged by the authorized person.

3. Provisions of paragraph 1 and 2 of this article shall also apply in the cases where the enforcement is assigned against debtors who are not legal persons.

Article 164
Sequestration of the account with consent of debtor

1. Debtor has the right that through the certified document to give consent with the purpose of fulfillment of the creditor's request, to be sequestrated his account in the bank and that the funds from such account in accordance with his statement contained in the certified document, to be directly paid to creditor from the account. Certified document produces legal effects that produces final enforcement decision or enforcement writ by which is sequestrated credit from the account and transferred to the creditor for encashment.

2. Document from paragraph 1 of this article is handed to the bank by creditor with an effect of delivery of enforcement decision or enforcement writ directly into its administration, or through registered letter.

3. In enforcement from paragraph 1 of this article in appropriate manner are applied provisions of article 150 of this law.

Article 165
Responsibility of the bank for damage caused

Bank which does not act in accordance with the enforcement decision or writ and other orders of enforcement body shall be responsible for the damage caused to the enforcement creditor according to the general rules of the civil rights for rewarding the damage.

Article 166
Application of enforcement provisions over the cash credit of the enforcement debtor

Provisions of this law for enforcement for monetary credit of debtor from articles 109 – 141 of this Law shall accordingly apply for enforcement procedure for credit according to the bank account.

TITLE VI

ENFORCEMENT AGAINST SECURITIES AND PORTIONS OF BUSINESS ORGANIZATIONS

Article 167
Territorial jurisdiction in case of court enforcement

1. For decision-making on an enforcement proposal against ownership shares and other registered securities (hereinafter “securities”), and on the founding capital or additional capital of a joint stock company or any other legal form of business (hereinafter “business organization”), territorial jurisdiction is with the court covering the region of residence or seat of debtor as the owner of the securities, or of the business organization.

2. If the debtor does not have residence, place of stay, or seat in the territory of Kosovo, territorial jurisdiction is with the court in the region of the seat of the issuer of the securities or the seat of the legal person where debtor has a portion of ownership.

Article 168
Jurisdiction in case of enforcement by the private enforcement agent

To decide on the enforcement proposal on enforcement proposal against ownership shares and other registered securities (hereinafter “securities”), and on the founding capital or additional capital of a joint stock company or any other legal form of business (hereinafter “business organization”), the private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement.

Article 169
Enforcement actions

1. Sequestration of securities shall be applied upon enforcement against securities, through their evaluation upon settling the credit of enforcement creditor. Exceptionally, securities upon the request of enforcement creditor and upon the consent of debtor may be transferred to enforcement creditor in the market value on the date of sequestration, instead of payment.

2. Against the portion of debtor’s wealth in business organization, enforcement shall be applied through sequestration of the portion, through evaluation and sale upon settling the creditor’s credit.

3. Enforcement actions foreseen by this article shall be performed even if the contract or other legal rules of legal person limit or prohibit alienation of securities, or portions in business organization.

Article 170
Sequestration of securities

1. Sequestration of securities is conducted through hand over of the enforcement decision or the enforcement writ to the institution which keeps the register of securities. At the same time the enforcement decision or the enforcement writ shall be delivered to the depositor and provider of securities.

2. The enforcement decision or the enforcement writ on conducting enforcement against securities shall be sent to the creditor and the debtor.

3. At the moment of the commission of sequestration, the enforcement creditor gains the right of pledge on sequestrated securities.

4. Register of securities shall conclude in Register that the right of pledge is created in the benefit of the enforcement creditor at the moment when to him is handed over the enforcement decision or the enforcement writ. Register of securities shall inform the enforcement body without delay on legal obstacles for establishment of the right of pledge.

5. After the registration of sequestration in the register of securities, the Recorder should not, in connection with the sequestrated securities, do any kind of registration based on their alienation by the side of debtor.

6. Recorder without delay shall inform the enforcement body about any change regarding the sequestrated securities, especially on compulsory enforcement with the purpose of fulfillment of any other credit, or for guarantee of such credit.

7. The debtor shall not dispose of the sequestrated securities after the moment of receipt of the enforcement decision or writ with the warning. Warning on such prohibition and for legal-penalty consequences in the case on failing to respect such warning shall be noted in the enforcement decision or the enforcement writ.

Article 171
Evaluation and the sale of the sequestrated securities

1. Securities which according to the law and other legal acts for securities, must be put into circulation in stock exchange, or in other public market, shall be sold as foreseen by the law on securities, through a broker selected by the enforcement body after the enforcement decision or the enforcement writ becomes enforceable.

2. Securities which, according to the law and other legal acts for securities, may not be put into circulation in stock exchange or in other public market, shall be sold in public auction or through direct settlement. Through direct settlement the securities shall be sold by the enforcement body or authorized person for selling of securities to which the court has entrusted the sale.

3. Enforcement body or authorized person for sale of securities, shall contract the sale of securities on behalf of debtor in support of the enforcement body's conclusion which authorizes them for this.

4. If the securities are sold through a stock exchange or other public market for securities, the securities shall be sold at the average of the opening and closing market prices for those securities on the day of sale on the exchange or market on which they normally are sold.

5. If the securities are sold in public auction, or through direct settlement the evaluation, determination of sale prices and sale of securities, shall be conducted by applying the provisions from chapter 2, title 1 of this law for enforcement against movable items of debtor. Evaluation of the shares required by chapter 2, title 1 of this law shall be done by an expert with background in valuation of businesses. The expert shall be appointed by the enforcement body upon the approval of both parties.

6. If the securities from paragraph 1 of this article are not sold within three (3) months from the day of first offer for sale in stock exchange, or in the case of unsuccessful attempt for sale from paragraph 2 of this Article, the enforcement creditor may request enforcement through transfer of securities to his ownership, instead of payment.

7. Decision or writ for transfer of securities to the ownership of enforcement creditor shall be attached to the register of securities.
8. The enforcement body shall inform the enforcement creditor for the right to propose transfer of securities under his ownership, if these are not sold within the deadline foreseen in paragraph 6 of this article. In that case the enforcement authority invites the enforcement creditor that within the deadline assigned, to present a request for transfer of securities in his ownership at the price placed upon them by the expert.

9. If the enforcement creditor does not present request from paragraph 7 of this article, the enforcement body shall suspend enforcement procedure, under Article 102 of this Law.

Article 172
Settling credit of the enforcement proposer

1. Settling of the credit in the procedure of sequestration and sale of debtor's securities shall be conducted through the appropriate application of the provisions of chapter 2, title 1 of this law, foreseen for fulfillment for movable items of debtor.

2. Provisions of chapter 2, Title 1 of this law, foreseen for enforcement against movable items shall apply when deciding over the transfer of securities of debtor, which may not be sold in the ownership of the enforcement creditor.

Article 173
Enforcement against the portion of wealth of debtor in business organization

1. Sequestration of the portion of the business organization owned by the debtor shall be conducted through the delivery of the enforcement decision or writ to the Kosovo Business Registration Agency, the Pledge Registry, and to any other competent registering body and respective trade associations, with the purpose or registering the right of pledge.

2. The enforcement decision or writ on conducting enforcement against ownership of portions of business organizations shall be served on the enforcement creditor and the enforcement debtor.

3. Enforcement debtor does not have the right to dispose with the sequestrated portion of his wealth in business organization.

4. The evaluation and sale of the portion in business organization is conducted through application, in accorded manner, of the provisions of this law which value for the evaluation and sale of debtor's items, but previously the enforcement body should inform the members of the business organization for assignment of the sale of the portion of property, inviting them that within fifteen (15) days deadline from the day of notification, make a statement on existence of interest for purchasing a part of debtor's wealth.

TITLE VII

ENFORCEMENT IN THE CREDIT FOR HAND OVER OF ITEMS

Article 174
Territorial jurisdiction in case of court enforcement

Territorial jurisdiction for decision about the proposal for enforcement for the debtor's credit to hand over certain movable or immovable item, or certain quantity of movable items, and for application of that enforcement, is with the court covering the territory where these items are situated.

Article 175
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement based on the enforcement proposal for the debtor's credit to hand over certain movable or immovable item, or certain quantity of movable items and for application of that enforcement.

Article 176
Application of the provisions for enforcement for monetary credit

Provisions of this law for enforcement for monetary credit shall apply accordingly in the case of enforcement for the credit for handover of movable or immovable items, unless it is not provided otherwise by provisions of this title.

Article 177
Manner of applying enforcement

1. Enforcement in debtor's credit for handing over the items shall be applied through sequestration of that credit, its transfer to enforcement creditor and through sale of such items.

2. If movable items are requested and they cannot be found in the possession of the debtor or other third person, creditor within the deadline of fifteen (15) days after first sequestration attempt shall choose to request second attempt to find the mentioned items, or accept monetary compensation for those in the value of objects in question. If the enforcement creditor chooses the monetary compensation, the enforcement body shall assign an expert to determine the value of concerned objects.

3. If the either party is dissatisfied with the evaluation, may request the enforcement body within three (3) days from the date of request for first evaluation, at his expenses, to perform evaluation by another expert.

Article 178
Effect of transfer

Transfer of debtor's sequestrated credit for transfer of items has legal effect of transfer of debtor's monetary credit for the purposes of encashment.

Article 179
Unrealizable credit

If the debtor's enforcement credit still has not become reachable, the enforcement body will order the debtor to hand over the items after the credit becomes reachable.

Article 180
Claim against the debtor's debtor

Against the debtor's debtor who has not shown willingness to hand over items to the creditor, the creditor has a right after the decision or writ on transfer of credit becomes final, to claim the handover of items through a claim, if no enforcement document obliging the hand over.

Article 181
Handover of movable items for custody

Through the decision assigning the transfer of debtor's credit, the enforcement body shall order debtor's debtor with the claim of creditor, to keep movable items related to the credit if he wishes so, respectively to hand them over to the official person or other person for custody.

Article 182
Application of provisions for the custody of inventoried items

Provisions of article 90 of this law, which provide for custody of debtor's inventoried movable items shall apply appropriately for custody of movable items from article 181 of this law.

Article 183
Sale of items and settlement of credit of creditor

Sale of movable items handed over to enforcement body, or other person from article 182 of this law, and settlement of credit of the creditor, shall be conducted according to the provisions from Chapter 2, Title 1 of this law.

Article 184
Handover of immovable item to the creditor

1. Through the decision or writ assigning the transfer of debtor's credit, the enforcement body shall order the debtor's debtor to hand over the immovable item relevant to the credit to the creditor.

2. Creditor shall administer the immovable item on behalf and in the account of the debtor as good economist, respectively good host and shall be accountable for administration to the enforcement body, upon request.

Article 185
Sale of immovable item

1. Creditor has a right with purpose of settling his claim, within a deadline of not longer than thirty (30) days since handing over of the immovable item, to propose to the enforcement body the sale of the immovable item.

2. If the creditor does not request the sale of immovable item within the deadline foreseen in paragraph 1 of this article, the enforcement body shall suspend enforcement and shall invalidate all completed enforcement actions.

Article 186
Application of provisions for enforcement for immovable item

Sale of immovable item and settlement of credit of enforcement creditor shall be conducted according to the provisions of this law, foreseen for enforcement for immovable item.

TITLE VIII

ENFORCEMENT AGAINST INTELECTUAL OTHER PROPERTY RIGHTS

Article 187
Territorial jurisdiction

1. To decide on the proposal for enforcement against copyright and other patent's rights, perfection, or technical enforcement, usufructs, or any other similar property right of the debtor and for application of this enforcement, territorial jurisdiction is with the court covering the territory where the residence of enforcement debtor is situated, and if enforcement does not have residence in Kosovo, competence is with the court covering the territory of the place of stay.

2. Provisions of paragraph 1 of this article, related to do the residence and place of stay, shall appropriately apply for the seat of legal person.

Article 188
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement on the enforcement proposal against the patent's rights, perfection, or technical enforcement, usufructs, or any other similar property right of debtor and for application of application of this enforcement.

Article 189
Manner of applying enforcement

Enforcement against the property rights from article 187 of this law shall be applied through sequestration, and through their exchange into money, in line with provisions from Chapter 2, Title 1 of this law.

TITLE IX

ENFORCEMENT AGAINST IMMOVABLE ITEMS

Article 190
Territorial jurisdiction in case of court enforcement

To decide on proposal for enforcement for immovable item and for application of the enforcement decision, territorial jurisdiction is with the court covering the territory where the immovable item is situated.

Article 191
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement based on the enforcement proposal for immovable item and for application of the enforcement decision.

Article 192
Enforcement actions

Enforcement against immovable item shall be applied through noting of enforcement in the public book of immovable items, determination of the value of real estate, sale of real estate and payment of the enforcement creditor from amount of money obtained by the sale.

Article 193
Immovable item as object of enforcement

1. Unless not provided otherwise by legal provisions, only the immovable item in its entirety may be assigned as the enforcement object by the provisions regulating the ownership and other real rights, as well as the public books of immovable items.

2. The part in co-ownership on immovable item may become a special object of enforcement (ideal part of co-ownership on immovable item), in relation to which apply appropriately the rules of this law on enforcement against immovable items.

Article 194
Immovable item in co-ownership of debtor

1. In the case of enforcement procedure for the part of co-ownership, and upon the request of creditor to the debtor or other co-owner, the enforcement body in enforcement decision or enforcement writ

will assign sale of offered immovable item in its entirety but in part of co-ownership which is the object of enforcement.

2. The enforcement body should emphasize in the enforcement decision or enforcement writ the decision depending on the fulfillment of conditions from paragraph 3 of this Article, through conclusion whether the entire immovable item will be sold or only the part of the co-ownership.

3. If the price of the sale of the part in co-ownership is apparently higher in the case of the sale of entire immovable item, the enforcement body will assign the sale of the entire immovable item, acting as it has to do with the request of the co-owner for division of physically indivisible item, as it is foreseen by the rules regulating co-ownership relations. In enforcement decision or enforcement writ, the enforcement body will emphasize that the enforcement note relates to the immovable item as entirety.

4. In the case from paragraph 3 of this Article, co-owner who is not enforcement debtor has the right to be paid the value of his part from the amount of the obtained money from the sale of immovable item before, the enforcement creditor's and other person's request who realizes rights in enforcement procedure, being fulfilled, and before the payment of the costs of enforcement procedure.

5. Co-owners who are not debtors in the enforcement procedure have the right to request handing over the immovable item which is object of enforcement if they deposit the amount which corresponds to the value of the debtor's part in such immovable item.

Article 195
Instruction for the initiation of the contested procedure

1. Co-owner who is not debtor to whom is contested the part in immovable item which is the object of enforcement, is instructed by the enforcement body to file a claim against the creditors but also against the debtor, in case the latter disputes his right, with purpose of proving his allegation in the contested procedure. The instruction for rendering claim will not be provided if such co-owner may prove the existence of his right in the enforcement procedure, through final court decision, public document, or non-public document certified according to the law.

2. Provisions of this law regulating the activity of the court upon objection from third person shall apply for contested process initiated with claim, and for the right of co-owner to request the postponement of enforcement procedure.

Article 196
Owners of joint property

1. Provisions of Articles 194 and 195 of this law shall be appropriately apply for the owners (co-members) of the joint property. If between the debtor and other owners of the joint property exist disagreements regarding their rights on joint immovable item, the enforcement body shall instruct the owner of the joint property, who disputes the rights of debtor on joint property, to confirm his rights in the contested procedure.

2. In contested procedure initiated with the claim, and related to the rights of owners claiming the postponement of enforcement procedure, provisions of this law regulating the activity of the court based on the objection from third person shall apply accordingly.

Article 197
Actions in case of existence of usufructs

If the right of usufructs exist for the immovable item or ideal part of it, the right of usufructs may become an object of independent enforcement and debtor may settle his claim from the proceeds from such right based on any legal relation, while the provisions of this law for enforcement for rights (as object of enforcement) shall apply accordingly.

Article 198
Prove for ownership of debtor

1. Together with the enforcement proposal for immovable item, creditor must present an extract from the public book of immovable item that the immovable item is registered as ownership of debtor.

2. If the right on immovable item from paragraph 1 of this Article is registered in the public book of immovable item under some other person and not debtor, the enforcement proposal may be approved only after it is concluded the ownership of debtor according to the provisions of Article 45 and 46 of this law and after meeting the conditions for changes of the state in the public book of immovable items.

3. If immovable item is not registered in the public book of immovable items, the provisions of this law shall be valid for territories where such books do not exist.

Article 199
Change of enforcement object

1. Debtor has right within seven (7) days from the day of delivery of enforcement decision or enforcement writ to him to propose to the enforcement body the assignment of enforcement on some other object of enforcement. If the debtor proposes another object, debtor has a duty to attach respective evidence indicating that he has the alleged right for other immovable item, based on which evidence the enforcement against such immovable item may be assigned.

2. The enforcement body will deliver debtor's proposal to creditor who may provide a statement within seven days from the day of delivery.

3. Within the deadline from paragraph 2. of this Article, creditor has a right to present the request for payment of the costs of initiated procedure on immovable item, and to request depositing of guarantee for reward for damage that he may suffer because of the change of enforcement object.

4. The enforcement body shall decide on the debtor's proposal through a decision or writ after reception of the statement from the enforcement creditor, respectively after the expiration of assigned deadline from paragraph 2. of this Article, for presenting a statement.

Article 200
Approval of the proposal for changing of object

1. The enforcement body may approve the debtor's proposal for changing the enforcement object if ensures that:

1.1. enforcement against the immovable item proposed by the creditors very unsuitable for him, or

1.2 because of reasonable causes he personally could not exchange the immovable item into money which he proposes as a new enforcement object (to settle the credit of creditor), and

1.3. the credit of the creditor may be completely paid from the new proposed object;

1.4. the enforcement body with its decision will refuse the proposal for change of enforcement object, if it evaluates that this would delay or hinder the enforcement, respectively if the enforcement creditor with the change of enforcement object would suffer evident damage.

2. If the creditor in immovable item against which he has requested enforcement, has gained, before he initiated enforcement procedure, the right of pledge for guarantee of his credit, then without his consent, the enforcement cannot be assigned to some other enforcement object.

3. In the decision for changing the enforcement object, the enforcement body shall assign enforcement on the other object proposed for enforcement.

Article 201

Change of the enforcement mean

1. If the debtor as other tool of enforcement proposes enforcement on salary, pension, invalid pension, or any other source of permanent incomes, the enforcement body may approve such a proposal, under the condition that the debtor make reliable the fact that the credit shall be settled within one (1) year from the day when the decision on approving his proposal is rendered.

2. Provisions of paragraph 2. and 4. of Article 199 of this law shall be appropriately applied in this Article.

Article 202
The decision on the proposal for changing the object

No legal remedy shall be allowed against the decision refusing the proposal for changing the object of enforcement.

Article 203
The effect of recording in the case of changing the object of enforcement

If by decision of the enforcement body another tool of enforcement is determined, namely other object for enforcement is assigned, the recording of the enforcement for real estate as the first object shall remain in force until the credit of the enforcement creditor is settled. After the credit of the creditor is settled, the enforcement body ex officio shall order the erasure of the enforcement record.

Article 204
Recording of enforcement

1. After rendering the enforcement decision or enforcement writ, the enforcement body ex officio shall order recording of enforcement in public books of real estates.

2. Through recording referred to in paragraph 1. of this Article, the creditor gains the right to settle his credit from real estate (the right to settlement), while the person who after the enforcement is completed earns any right on such real estate, shall recognize creditor's priority right to settle his credit gained through recording.

Article 205
Changing the owner of the real estate

1. Changing the owner of the real estate during the procedure of enforcement does not obstruct continuation of the process against the new owner as debtor. All previously completed enforcement actions shall remain valid and the new owner, during further enforcement, may not exercise the actions which could not be exercises by previous owner.

2. By proposal of the creditor the enforcement body shall render decision or writ on continuation of the enforcement procedure against the new owner as the debtor in that process. The new owner has no right to appeal against such decision or writ.

3. The creditor who did not gain the right of pledge before the procedure of enforcement has initiated, at the moment of recording the enforcement in public books of real estate, gains the right to settle his credit on such real estate before the person who later on gained the right of pledge or settlement of his credit on such real estate.

4. After recording of the enforcement in public books of real estate is completed, recording of changing the right of ownership based on debtor’s disposal, regardless the time of that disposal shall not allowed.

Article 206
Publication of decision for the enforcement

1. In the territories where real estate's public books do not exist, or where they are destroyed or obliterated, the enforcement body, by proposal and on costs of the creditor, shall publish the enforcement decision or writ in Official Gazette of Kosovo and, at least, in a daily newspaper which is usually distributed all over the territory of Kosovo.

2. In the case of publication of enforcement decision or writ referred to in paragraph 1 of this Article, the recording of enforcement after its registration in real estate public books produces legal effects from the moment when the enforcement decision or enforcement writ is published for the first time by the means of information.

Article 207
Commencement of enforcement

1. After logging of enforcement recording in real estate's public books, no other specific procedure for the same real estate which is the object of the enforcement can be exerted for settlement of a other credit of the same creditor or other creditor.

2. The enforcement proposer for whose credit the enforcement is assigned later on the same real estate shall be included in the already started procedure of enforcement.

3. Other enforcement proposer may be included in the procedure of the enforcement which is already started until the moment when the enforcement body renders the conclusion assigning the buyer of the real estate, on a public auction.

4. For entering another creditor in the ongoing enforcement procedure, the enforcement body shall inform the creditor on whose benefit the recording is already done.

Article 208
The effect of disallowing or postponing of enforcement for some of creditors

1. The reasons for which the enforcement is not allowed in the benefit of certain enforcement proposers for the same real estate, namely the reasons for suspension of the enforcement in relation to any of the proposers for enforcement, shall not have any effect on the procedure in the benefit other proposers of enforcement.

2. If the reason for postponing the enforcement relates only to one of proposers for enforcement, the enforcement shall not be postponed, but the enforcement body, while issuing the decision or the writ on settlement of the credits, shall postpone settlement of his credit until the procedure for settlement of his credit is not carried on. The money dedicated for settlement of the credit shall be deposited and guarded with the enforcement body until the procedure is continued. If that procedure is not continued, the mentioned means will be used for settlement of the credits of other proposers of enforcement, or will be delivered to the debtor.

Article 209
Settlement of claims secured by pledge

In the procedure for enforcement on a real estate, the creditors may also settle their claims who secured their credits through pledge, although they did not initiate enforcement procedure in accordance with the rules which determine the order of settlement of their claims. Claims of the secured creditor shall take precedence over the claims of the proposer of execution.

Article 210
Elapsing of the right on pledge

1. The right of pledge on real estate recorded in real estate's public books elapses on the day when the decision or writ on selling the real estate is enforced, although it may the case that creditors secured by pledge did not entirely settle their credits, except when the agreement from paragraph 2. of this Article exists.

2. The buyer of real estate and the creditor who is secured by pledge, at latest in the session of its selling, may agree that the right of pledge remains even after enforcement of the decision or writ on sale, while buyer shall take over the debt of the debtor in relation with that creditor in the amount due to him in the enforcement procedure. In this case, the purchase price of real estate decreases for the amount of taken debt.

3. The buyer and the creditor secured by pledge will conclude the agreement from paragraph 2. of this Article in the form of enforcement body's agreement in enforcement procedure or the form of notaries' document.

Article 211
Servitudes and Real encumbrances

1. Real servitudes, real encumbrances and the rights of construction on real estate will not elapse by sale of real estate.

2. Sale of real estate will not elapse personal servitudes recorded in real estate's book prior to the right for settlement of which the enforcement procedure is ongoing.

3. Other personal servitudes elapse with the enforcement of decision or writ on the sale of real estate.

4. The provisions of Article 210 paragraph 2. and 3. of this Law shall appropriately apply in relation to personal servitudes from paragraph 3. of this Article.

Article 212
The lease contract on real estates

1. The lease contract on real estate which are concluded and recorded in real estate's public books prior to gaining of the right of pledge or the right to settlement for which the enforcement is proposed, will not elapse by the fact of sale of real estate.

2. The lease contracts that are not registered in real estate's public books prior to gaining the right of pledge or the right to settlement for which the enforcement is proposed, will elapse at the moment when the decision or writ on sale becomes final, unless the buyer and lessor agreed otherwise. Buyer shall inherit the rights and obligations of the lessor.

3. The former lessor shall be responsible for all damage that lessee suffered with termination of contracts referred to in paragraph 2 of this Article. Lessee has no right to require the compensation of the damage in enforcement procedure.

Article 213
The right of residence

1. The right of residence acquired prior to gaining the right of pledge or right to settlement for which the enforcement is proposed, shall not elapse by sale of real estate. The buyer of real estate takes the place of the lessor from the moment of acquiring the right of ownership on real estate.

2. The final decision or writ confirming the sale of real estate constitutes an enforcement document for displacement.

3. The inability of displacing the lessee on the basis of enforcement document from paragraph 2. of this Article, does not obstruct the buyer from realizing his rights in the contested procedure.

Article 214
Observing of real estate

1. The enforcement body, by special conclusion, shall provide the person interested to buy the real estate with a permit to observe the item. Such permit shall be provided by the enforcement body only

based on request of the interested person. The time and manner of observing the real estate shall be set in the conclusion.

2. If the debtor or any other person obstructs observing the real estate, the enforcement body by a conclusion shall order the debtor or other person to move from real estate at the time of observing the real estate. The conclusion for moving shall be enforced by enforcement body, if necessary with the assistance of the police.

3. Against the person from paragraph 2. of this Article the enforcement body may sentence fines or measures provided in Articles 15 and 16 of this Law.

Article 215
Ensuring the real estate

1. With the purpose of preventing the damage on real estate, enabling evaluation, observation and protection, the enforcement body, by request of the enforcement proposer, through a conclusion, may order:

1.1. temporary displacement from real estate of the debtor and other persons;

1.2. giving real estate under guarding to the creditor or other third person;

1.3. other measures necessary for protection of real estate, or for performing of enforcement without any obstacles;

2. Against the persons who unable or obstruct the enforcement process, the court may sentence fines and other measures provided in Articles 15 and 16 of this Law.

3. Necessary funds for application of fines and measures from paragraph 2 of this Article must be deposited by the creditor at the onset of the process.

Article 216
The real estates that cannot be enforced against

1. The agricultural land of the farmer in the area of half hectare may not be enforced against.

2. The provisions of paragraph 1 of this Article do not relate to enforcement for settling credits secured by the right of pledge contracted for real estate (mortgage)

Article 217
The manner for determination of the value

1. The enforcement body shall decide through conclusion on the manner of determining the value of real estate, immediately after rendering the enforcement decision or enforcement writ. If considered necessary, prior rendering the conclusion, the enforcement body may hold a court session or hearing of parties.

2. Determination of the value of real estate shall be done after the enforcement decision or enforcement writ becomes final.

3. Determination of the value of real estate shall be done prior to the moment defined in paragraph 2 of the present Article, if the creditor requires so and pays the costs for determining the value of real estate even in the case when the enforcement procedure is suspended.

4. The value of real estate is determined on the basis of expert evaluation and other facts related to its market price on the day of evaluation.

5. During determination of the value of real estate the facts that may decrease its value shall be considered, this if certain rights on real estate remain even after the sale.

Article 218
Determination of the value by tax administration

Except the way for determining the value of the real estate provided for in Article 217 of this Law, the enforcement body may require the competent tax authority to provide data on the value of real estate.

Article 219
Determination of the value for the part at joint ownership

In the procedure for enforcement of the part in joint ownership, the estimation shall contain the ascertained values of entire real estate and of the part on joint ownership, as well as of the part on joint ownership which would be obtained in the case of the sale of entire real estate, in accordance with paragraph 2. of Article 193 of this Law.

Article 220
Determination of the value through agreement

The provisions of Articles 217 and 218 of this Law shall not apply in the case when the parties and other persons who settle their right in the procedure of enforcement determine the value of real estate by agreement.

Article 221
Reinstatement based on lack of coverage

1. Every person who has the right to be paid from the price of the real estate, and who according to the order has the priority in relation with the creditor, may propose the suspension of enforcement, if the ascertained value of the real estate cannot cover the amount of credit of enforcement creditor.

2. The proposal for suspension of the enforcement may be submitted within 7 (seven) days from the day of delivery the sale conclusion.

3. By proposal of the holder of a right and after fulfilling the conditions from paragraph 1 of this Article, the enforcement body shall suspend the enforcement procedure through its decision or writ.

Article 222
The conclusion on the sale

1. After the procedure for determination of the value of real estate is completed, the enforcement body issues the conclusion on the sale of real estate determining the value of real estate and the manner and conditions for sale, as well as the time and venue of sale, if the sale shall be performed through public auction.

2. In the procedure of enforcement for the part in joint ownership from Article 193 of this Law, the sale conclusion will contain, in particular, the data for entire real estate and also for the part in joint ownership which is the object of enforcement, as well as the notice that the enforcement body, for whole object of sale, shall decide in accordance with the provisions on auction session and the sale of real estate.

Article 223
Publication of the sale conclusion

1. The real estate sale conclusion shall be published at the enforcement body billboard, or otherwise if the enforcement body decides so.

2. The party or anyone else with ownership interests in the property has the right to publish the sale conclusion on his costs in public information means, and to inform on conclusion the persons who mediate in sale of real estates.

3. Following the publication of the sale conclusion on the enforcement body information board until the day of the sale the period of at least thirty (30) days must pass.

4. The sale conclusion shall be delivered to the parties, to persons who have priority right to settle their credits or the right for settlement with same rank as the creditor, to persons who have recorded right or priority or legal right and to the competent body of tax administration.

Article 224
The priority right of purchase

1. A person who has the priority right of purchase of real estate which is the object of enforcement by sale shall have the priority over the best bidder, if immediately after conclusion of the bidding it gives the statement for matching the bid.
2. If the person who is the holder of priority right of purchase of real estate has not received the sales decision or order, the enforcement body shall inform him on the price offered for purchase of real estate, and the person who is the holder of priority right shall make his statement within three (3) days of the date of receipt of notification.

3. If the person who is the holder of priority right of purchase does not make a statement within term set in paragraph 2. of this Article, shall lose the priority right of purchase. In this case he shall pay the purchase price within the deadline set in the sales decision or order.

4. The person who has contractual priority right of purchase shall exercise this right on terms set in paragraph 1. of this Article where there was no legal right or where the holder of title did not use it.

Article 225
Award on creditor's priority right of purchase

1. Where there was neither legal nor contractual priority right of purchase, or holders of this right did not use it, the right of priority purchase belongs to the creditor.

2. The creditor shall acquire priority right of purchase upon recording the enforcement decision or enforcement writ in the public book of records for real estates.

3. If persons who have acquired the priority right of purchase of real estate make statement before the creditor that they will not use this right, the creditor shall take precedence before the best bidder if immediately upon conclusion of sale he makes statement that he buys the real estate on the same terms.

Article 226
Statement of Holders of Priority Right of Purchase

If real estate is sold by direct agreement, the enforcement body shall invite the holder of legal priority right of purchase, holder of contractual right of priority right of purchase entered in the public records and the creditor to make written statements as to whether they will use this right.

Article 227
The sale method of real estate

1. The sale of real estate shall be performed through verbal public auction.

2. The session for real estate sale shall be held in the court, if the enforcement body did not determined any other sale venue.

3. The sale session shall be exercised by the enforcement body.

Article 228
Sale agreement through direct settlement

1. The parties and creditors secured by pledge, whose rights for settlement of credits are at least of the same rank with that of the proposer for enforcement, may agree, at latest until the moment of the sale of real estate in public auction, that the sale of real estate be performed within assigned term through direct settlement between the person authorized for sale of real estate and enforcement body, or in any other way.

2. The sale contract through direct collusion shall be in written.

3. On behalf of debtor the contract shall be concluded by the person whom by enforcement body conclusion the sale is entrusted. The signatures of persons who conclude contract must be confirmed by competent body.

4. This contract starts to produce legal effects from the day when the decision or order for delivering of sold real estate is issued.

Article 229
The sale terms

1. The real estate's sale terms are incorporated in sale conclusion and among other information will contain:

1.1. detailed description of real estate and other things belonging to it;

1.2. denomination of third persons rights which do not elapse by the sale of real estate;

1.3. the information if the real estate is released from persons and things or it is still in use, and if so, on which legal basis;

1.4. the value of real estate;

1.5. the price which can be reached by sale of real estate and who shall pay the taxes and costs related to sale;

1.6. the term within which the buyer has the duty to pay the amount of buying price;

1.7. the sale method;

1.8. the amount of guarantee, the term for its payment, whom and how it has to be paid;

1.9. the specific terms that the buyer must fulfill in order to acquire the right of ownership on real estate;

1.10. nature of the property rights sold.

2. In the procedure for enforcement of the part in joint ownership from Article 193 of this Law, the sale's terms from paragraph 1 of this Article will include the sale's terms for entire real estate as well as for the part in joint ownership which is the object of enforcement.

Article 230
Payment of sales price

The deadline by when the buyer shall deposit the price may not be longer than thirty (30) days from the day of the sale, regardless the fact if the price has to be paid at once or through installments.

Article 231
Advance payment

1. As the buyers in a public auction may participate only persons who priory have deposited a guarantee.

2. Except for persons who according to present Law have no obligation to provide guarantee in enforcement procedure, from this obligation are also excluded the creditor and the holders of the rights recorded in real estate's public books which elapse by sale of real estate, if their credits are equal with the amount of the guarantee and if when considering their priority and determined value of real estate, such amount would be paid from purchase price.

3. The amount of guarantee should be equal with one tenth of determined value of real estate, but may not be higher than five thousand (5.000) Euro.

4. The bidders, whose offers are not accepted, apart from three (3) most favorable offers, shall be reimbursed the deposited amount right after completion of auction.

Article 232
The case with only one bidder

1. The session of public auction shall take place even if only one bidder participates.

2. By the proposal of the person who has the priority right to settle his credit, the enforcement body may, through a conclusion, postponed the session of public auction, if it is participated by only one bidder.

Article 233
Ineligible buyers

The buyer of real estate may not be the judge or other person who exercise official duty in the procedure of sale, their spouses and blood relatives (predecessors, descendants, siblings and their spouses), debtor and his/her spouse, the evaluator of the real estate, as well as any other person who according to Law may acquire the right of ownership on real estate which is the object of enforcement.

Article 234
The sale price of a real estate

1. In the first session of the auction, real estates cannot be sold with the price that is lower than eighty percent (80%) of the determined value. The starting offers for the first session that is lower than eighty percent (80%) of the determined value will not be reviewed.

2. Without agreement of persons who have a pre-purchase right in the enforcement procedure to settle their credits before creditor, the real estates in the auction session cannot be sold at the price that cannot even partly cover the amount of a proposer's enforcement's credit.

3. In case that the real estates can not be sold in the first session, the enforcement body will determined the second session in the timeframe of thirty (30) days.

4. The enforcement body will assign the second session in the timeframe of thirty (30) days even when three (3) convenient purchasers did not pay the bill in the first session within the foreseen deadline.
5. In the second session the real estates cannot be sold at the price that is a lower than half of the assigned value with the selling conclusion. The starting offer in the second session cannot be lower than half of the determined value.

6. In case that the real estate is not sold even in the second session, the enforcement body will determine the third session in the timeframe of fifteen (15) to thirty (30) days. In this session the real estates cannot be sold at a price lower than one third of the determined price of the real estate.

7. In case there are persons with the right of pre-purchase or contractual right, than the person who according to the law has right of settlement with priority of his credit from selling price, shall acquire the right of pre-purchase of the real estates at the price reached in the third session.

Article 235
Setting the price according to the parties agreement

1. In case that parties, before the starting of enforcement procedure, has reached the agreement with the enforcement body, the real estate to be sold for the lowest price comparing from paragraphs 1, 2 and 6 of the Article 234 of this Law., the real estates can be sold at that price even in the first session. Such agreement is applicable only if persons with the registered rights in the public records of real estates do not take part in the enforcement procedure.

2. The lowest price by which the real estates can be sold according to dispositions of paragraph 1 of this Article cannot be lower than one third (1/3) of the assigned value.

3. Parties and persons ensured by guarantee can reach the agreement through statements provided in the official records that the real estate can be sold at a lower price than is mentioned in the paragraph 1, 2 and 5 of Article 234 of this Law.

4. Provisions of the paragraph 1,2 and 6 of the Article 234 of this Law, and paragraph 1 of this Article, apply accordingly in the case when the real estate is sold at direct agreement.

Article 236
Session for sale and selling of real estates

1. If the enforcement decision or writ is not final on the day of holding session, the enforcement body may postpone the session for auction and sell for mostly thirty (30) days.

2. Once verified that the terms are met to hold the session for auction, the enforcement body shall announce the start of the auction.

3. In case the enforcement procedure applies for the part in co-ownership from the Article 194 of this law, in the same time the enforcement body shall offer for sale all together the part of co-ownership, and the real estate. After the deposition of the most suitable bid for the two objects and after the evaluation of the terms from the paragraph 3 of the Article 194 of this law, the enforcement body by the decision will decide on finale sale for the object.
4. Sale auction shall end five minutes after appearance of the most convenient offer.

5. After the end of the auction the enforcement body shall verify bidders who offered their price above minimum and shall verify that the real estates is sold to the most convenient purchaser, if other conditions are met.

6. Official records shall be taken during the sale auction,

Article 237
Announcement of the sale conclusions

The enforcement body shall issue a written conclusion on sale of real estates to the most suitable purchaser to be published in the information board of the enforcement body and shall send extracts to the parties and persons who took part in the auction as bidders.

Article 238
Sale in the case of direct settlement

1. In case of sale of the real estates through direct settlement, the enforcement body shall issue the conclusion pursuant to Article 237 of this law, after verifying that conditions are met for valid sale.

2. If the enforcement decision or writ has not become enforceable in the moment when the conclusion is issued pursuant to the paragraph 1 of this Article, the court may postpone its issue for maximum thirty (30) days.

3. Provisions of the paragraph 3 of the Article 236 of this law shall apply also for sale in direct settlement.

4. Conclusion for paragraph 1 of this Article shall be published in the information board of the enforcement body and shall be sent to all persons who shall receive the conclusion on sale and to the purchaser of the real estate.

Article 239
Deposition of the purchase price

1. Guarantee deposited to the enforcement body within the deadline set by enforcement body cannot be shorter than thirty (30) days from the day of the publishing of the purchase conclusion.

2. In case the highest bidder does not deposit the purchase price in the foreseen time determined by the enforcement body, the enforcement body by the conclusion shall declare the sale as invalid and through a the new conclusion shall ascertain the sale of the real estate to the second bidder who within the deadline that cannot be shorter than thirty (30) days from the day of the submitting the conclusion, shall deposit the purchase price to the enforcement body. In case the second bidder does not deposit the price within the determined deadline by the enforcement body, the enforcement authority shall apply the same rules for the third bidder.

3. In case that neither of the three (3) bidders from paragraph 2 of this Article makes the compulsory deposition of the purchasing price within determined deadlines, enforcement body may consider that the first session has failed and can schedule new session, as foreseen by Articles 227 through 236 of this law.

Article 240
Expenses of unsuccessful session

1. The expenses for the unsuccessful session will be paid from the deposit of the first bidder to whom the real estates was sold and who is not willing to pay the purchase price according to the foreseen deadline. In case that such expenses cannot be covered fully from the ensured amount deposited from the first bidder, difference will be paid from the guarantee of the second bidder, in case he does not purchase the purchasing real estate. These rules shall apply also to the third bidder in case of refusing to purchase the estate.

2. Expenses of the next session shall be paid proportionally from the guarantee of the bidders to whom the real estate was sold, but who did not deposit the purchase price within the deadline foreseen by the enforcement body.

3. The excessive amount after payment of procedural expenses shall be returned to the guarantee depositor.

Article 241
Repayment of deposited guarantees

1. After depositing with the enforcement body the full price of sold real estate, the deposited guarantee from the other bidders shall be returned within three (3) days from the day of depositing the price with the enforcement body.

2. If the buyer of the item is the enforcement body and if there are other persons claim settlement of credits before the buyer's credit out of the price of the sold real estate, he is not obliged to deposit the price with the enforcement body that corresponds to the amount of his credit.

3. If the purchase price is higher than his enforcement credit, the creditor must deposit the difference of his credit price.

4. Provisions of the paragraphs 1, 2 and 3 of this Article shall apply also when the credit of the enforcement creditor in accordance with the law is fulfilled before the credits of other creditors who have the right for fulfillment from the same sale price of the real estates of the debtor.

Article 242
The handover of real estate to the buyer

1. After depositing the price, the enforcement body shall issue a written decision or order concluding that the real estate has been sold to the buyer.

2. Through the written decision or order from paragraph 1. of this Article, the enforcement body shall decide that the real estate is to be handed to the buyer, whereas the public record official-holder of real estate shall be ordered to register the right of the property of the buyer over the real estate that he bought. Through this written decision or order the enforcement body shall order the cancellation of rights as provided in the written decision or order on sale of real estate.

3. No objection is allowed against the written decision or order from paragraph 1. of this Article, while the decision may be challenged through an appeal.

4. The written decision or order from paragraph 1. of this Article shall be published in the information board of the enforcement body three (3) days after publication in the information board of the enforcement body, it shall be considered that the written decision or order has been handed to all the persons to whom the conclusion must be handed regarding the sale, including participation of the auction.

Article 243
The loss of possession right over the real estate

At the moment of sale of the real estate, the debtor shall lose the right of the possession of the real estate and he shall hand it to the buyer immediately after the delivery of a written decision or decision on the sale of a real estate, unless foreseen otherwise by law or by agreement with the buyer.

Article 244
Eviction of the debtor

1. After the issue of the written decision or order on the delivery of the real estate, the enforcement body on the request of the buyer, by conclusion shall order the debtor to move out and hand the real estate to the buyer.

2. The enforcement procedure from paragraph 1 of this Article, is done according to the provisions of the Chapter 2, Title 7 of this law.

3. In the enforcement procedure from paragraph 2 of this Article, the buyer of the real estate gains the procedure position of the enforcement proposer, at the moment of the presenting the enforcement proposal for eviction and hand over of the real estate.

Article 245
Eviction of other persons

1. After the issue of the written decision or order providing that the real estate was sold, the enforcement body based on the proposal of the buyer, through the written decision or order shall order other persons who are located in the sold real estate, to move out and hand the property to the buyer, unless they possess the valuable documents that serve as a legal base regarding the use of the real estate. Through the same written decision or order the enforcement shall be appointed through eviction and handover of the real estate.

2. The enforcement body shall initiate the enforcement of decision or order from paragraph 1 of this Article immediately after its issue. The enforcement shall be applied according to the rules of this law for eviction and hand over of real estate.

3. In the procedure which is done according to the paragraph 1 and 2 of this Article, the buyer has the procedure position of the enforcement proposer.

Article 246
Protection of the purchaser right

Abolishment or change of the enforcement decision or order once the decision or order has been enforced ascertaining the sale of the real estates does not have impact on the right of the buyer's property gained in accordance with the decision for hand over of the real estate.

Article 247
Settlement of the credit through hand over of real estate to the creditor

1. In case the real estate is not sold even in the third session of the public auction, or by direct settlement within the foreseen time frame by the enforcement body, upon request of the enforcement proposer, the enforcement body through a decision may hand over the real estate to the enforcement proposer.

2. On cases from paragraph 1 of this Article, it is considered that credit of creditor is settled in the amount that responds to two thirds of the determined value of the real estate.

Article 248
Suspension of enforcement

1. In case that real estate could not be sold in the third session, while the enforcement proposer did not use the right from Article 247 of this law, the enforcement body shall suspend the enforcement

2. The enforcement through direct settlement shall be suspended if the real estate could not be sold in the determined time frame through the agreement between parties and persons to settle their credits in the same enforcement procedure, except when agreement between parties yields different result.

Article 249
The effect of the suspension of the enforcement

Decision for the suspension of enforcement is not obstacle for proposer to initiate again the enforcement procedure in order to settle the same credit for the same real estate.

Article 250
Conditions for granting for use

When the conditions are met for suspension of enforcement, upon the request of enforcement proposer which he can submit within thirty (30) days, the enforcement body may issue a decision or order for handing over the real estate for use with payment.

2. The debtor may file an appeal against final decision or order for granting the real estate to the creditor for use.

Article 251
Duration of use and award

1. Through decision or order the enforcement body shall decide to hand the real estate for use, and shall determine the duration and the monthly amount for use of the real estate to the enforcement proposer. The award shall be determined according to the expert opinion.

2. Duration of use the real estate is granted for shall be assigned by the enforcement body taking into account the enforcement proposers' amount of the credit as well as the determined amount for use of the real estate.

3. Award for use of the real estate shall be calculated as settlement of debtor debt to the enforcement proposer.

4. After the time frame referred to paragraph 2 of this Article, enforcement proposer shall hand over the real estate to the debtor.

5. Articles 242 through 245 of this law shall apply for handing over the real estate.

Article 252
Momentum of payment

The enforcement body shall pay the creditor immediately after the price of purchasing the sold real estate is deposited.

Article 253
Persons to be paid

1. From the sale price shall be paid the enforcement proposer who was initiated the enforcement procedure, insured pledged creditors even though they did not apply for their credits and persons who have the right of reward for personal servitudes.

2. The excess from the purchase price that remains after the fulfillment of claims made by the persons from paragraph 1 of this Article, shall be handed to the debtor, if no other legal obstacles exist.

3. If the price of sale of real estates is not sufficient for a complete settlement of loans of the same order, their settlement shall be proportionally according to the height of such loans.

Article 254
The fulfillment of credits by priority

1. The priority to be paid from the amount earned from the sale of real estates have:

1.1. expenses of the enforcement procedure;

1.2. requests of the insured creditors with pledged, shall be realized by the order of priority before the enforcement proposer;

1.3. the request of the enforcement proposer;

1.4. claims of creditors insured with pledged, which are realized by order of priority, shall be settled after the enforcement proposer;

1.5. rewards for personal servitudes, which are terminated through the sale of real estates.

2. If the debtor is due to pay interest apart from the principal amount, the interest shall be paid before the principal debt.

3. More persons at the same point within paragraph 1 of this Article, shall settle their claims according to the order of gaining the right of pledge and the right of settling the credit of the enforcement proposer, respectively according to the order of gaining the personal servitudes, unless the agreement provides otherwise.

Article 255
The order of settling other credits

1. The provisions of the Article 254 of this law, shall accordingly apply on the fulfillment of the rights from mortgage and the rights that constitute encumbrance upon the credit which is realized.

2. Expenses and interest for last three (3) years before issuing the decision or order on the handover of real estates, assigned by the enforcement document, shall be paid according to the main credit order.

Article 256
The reward for personal servitude and other rights

1. If no agreement is reached regarding the height of reward about personal servitude or concerning the rights terminated at the sale of real estates, between their owners and enforcement proposer, whose order of settlement is behind them, the reward shall be set by the enforcement body taking into consideration especially the time for which they will exist, their value and the age of their owners.

2. The buyer of real estate and the owner of the right of personal servitude, may agree that the buyer takes over the servitude, whereas the amount of the defined reward according to paragraph 1. of this Article is removed from the purchase price of the real estate.

Article 257
The settlement of claims proportionally

If there are more credits with the same order of settlement, they will be settled proportionally in their amount, if the amount earned through sale of the real estates is insufficient for complete settlement.

Article 258
The dispute over the credit

The enforcement proposer, or another person who settles his credit from the sale price of the real estate, if that affects the settlement of the credit, has the right to dispute the other person over the existence of the credit, except the credit provided by the enforcement document, its height and the order of settlement. The dispute can take place at latest in the session of distributing the cash earned through sale of the real estates.

Article 259
Instructions regarding the initiation of the dispute process

1. The person who has disputed the credit of another person shall be advised by the enforcement body that within the deadline not longer than fifteen (15) days, to initiate the dispute procedure through a claim, if the decision depends on disputable facts although the dispute is not supported by the final court decision, public document, or non-public document, but verified according to the law.

2. If the person, who disputes the credit, bases the dispute on the final court decision, public document, or non-public document verified according to the law, upon request of that party, the court shall decide on the dispute in the enforcement procedure.

3. Regarding the dispute over the credit, the court shall decide in the enforcement procedure even when the facts serving the awarding of the decision are not disputable.

Article 260
The case when the causes of dispute are reliable

1. If the person who disputes the credit of another person and supports the existing causes of such dispute, the enforcement body through a conclusion for the initiating a contested procedure, shall instruct the person whose credit was disputed, and shall postpone the decision for settling the disputed credit until the conclusion of contested process. Exceptionally the enforcement body may condition the award of the decision for settling the disputable credit by depositing the guarantee by its holder.

2. The amount related to the disputable credit shall be deposited to the enforcement body.

3. If the person who is instructed to initiate a contested procedure through claim within the deadline assigned by the enforcement body, fails to prove that the procedure has been initiated, it shall be

considered that the credit is not disputable, respectively that he has dropped the request for settling the credit through enforcement procedure.

4. The provisions of paragraph 1 of this Article cannot affect the right of the instructed person to file a claim to initiate the contested procedure against the person disputing his credit, even after the termination of the enforcement procedure, respectively against the person who has disputed the credit.

5. Through the proposal of the person whose credit was disputed, the enforcement body may condition the award of the decision or order on settling of his credit with depositing of a guarantee for the rewarding the damage that he may suffer due to the delay of settling the credit. If the person who has disputed the credit does not deposit the guarantee within the deadline assigned, it will be considered that the credit is not disputable.

6. The person, whose credit was disputed, has the right to claim a compensation of damage caused to him through unreasonable dispute of his credit, if such action was done with the sole aim of causing damage to him, or to be obstruct the settlement of his rights.

Article 261
The legal effect of the court decision awarded by the civil court

The court decision awarded regarding the disputed credit in the enforcement procedure shall yield legal effects against the debtor and all the other enforcement proposers.

Article 262
Settlement of the credit which is not requested yet

1. The claim of the creditor insured with pledge, which was not claimed up to the day of a decision or order awarded regarding its settlement, and for which the interest was not contracted, will be paid after the deduction of the interest-delay set forth by law since the date of the enforcement of the decision or order until the day when the credit becomes claimable.

2. The Credit which is still not claimable and for which the interest was contracted, will be paid with the amount of the calculated contracted interest until the day of the enforcement decision or order.

Article 263
Gaining of periodic incomes

1. Credits of periodic incomes for the basis of a legal nutrition, reward of the damage caused because of the harm to health, or reduction, respectively the loss of the capacity for work and based on the reward of the damage for the lost nutrition due to lost because of the death of the provider, which were insured by pledge shall become claimable after the day of the issue of a decision or order for the payment, and shall be settled upon expressive claim of the enforcement proposer.

2. Credits from first paragraph of this Article are calculated according calculation of personal servitude.

Article 264
Settlement of the conditioned credits

1. The sum of the credit which was insured with the right of pledge, and which depends on the condition, shall be separated and shall be put on the deposit or enforcement body and shall be paid when the condition is met, or when the condition is not met.

2. If the condition is not met, the separate amount of sale price of the real estates shall serve for the settlement of the credit of the enforcement proposer which was not settled partly or completely, and if there is no such credit or if after its settlement a part of the sale price remains as excess, that part shall be delivered to the debtor.

Article 265

Registration of the pledge and the indication of the dispute

1. If there is an evidence in the public record of real estates about registration of the pledge right, whereas the person on whose favor the foresight is registered, proves that the contested procedure is in the process in order to justify it, respectively that there is still time for initiation of this procedure, the credit which involves the foresight will be paid according to the way in which the credit is paid with an incentive condition.

2. The credit which is recorded in the public record of real estates for the initiation of the contested process for the purpose of canceling the right of the pledge, or notification about different dispute, is settled in the manner in which the claim is settled depending on the conditions of settlement.

Article 266
Division session

1. After the decision or order on the handover of the sold real estate becomes final, the enforcement body shall schedule a session for division of the amount obtained from the sale, if there are more creditors or third persons who have the right on settlement of their credits from the acquired amount.

2. In the scheduled session the parties and persons will be summoned who according to documents submitted to the enforcement body from public book of real estates have the right to be paid from the amount obtained by the sale of real estate.

3. In summon, these persons will be warned that their credits, if they do not attend the session, will be handled according to the state deriving from the public register of immovable properties, and existing documents and that they may dispute the other persons' credit, the height and settlement order latest at the division session.

4. The session will review the settlement of the credit of creditor and other persons who submits their claims for settlement of their credits.

Article 267
Decision for settlement of credits

1. For settlement of the credit of creditor and of other persons with rights of settlement of their credits, the enforcement body shall decide through decision or order immediately after the conclusion of the session, bearing in mind the data from the public book of immovable properties and existing documents, and the state verified during the session.

2. Upon the issuance of the decision or order from paragraph 1. of this Article, only the credits in relation to which the enforcement decision or enforcement writ became enforceable, at the day the division session was held, shall be taken into account.

3. If there are credits in relation to which the enforcement decision or enforcement writ still has not became enforceable until the day of the division session, these shall be settled after the decision becomes enforceable from the remaining amount of the sale price of the real estate, if such excess exists, while the excess shall be handed over to debtor.

4. Provisions of paragraph 2 and 3 of this Article are not related to the credits insured with pledge.

Article 268
Appeal against the decision

1. If the necessity of holding the enforcement body division session does not derive from this law, the enforcement body will publish in information board the decision or order for settlement of credits. After the third day from the publication in the information board, it shall be considered that the decision or order is delivered to all persons who have the right of settling their credits from the price of the sold real estate.

2. Against the decision or order for settlement of credits the parties and persons who have alleged settlement of their credits from price of the sold real estate have the right to appeal.

3. If an appeal against the decision or order for settlement of credits is filed within legal deadline, it shall be delivered to the parties and other participants in the enforcement procedure, while the decision or order will be enforced if the creditor within three (3) days from the day of delivery of appeal to him does not propose the postponement of enforcement until the moment of issuance of the second instance court decision.

4. Enforcement of the decision or order for settlement of credits is conducted after the expiration of time-limit for filing of appeal from the persons who has the right to appeal against it.

Article 269
Deletion of the rights and encumbrances

1. After the decision for settlement of credits becomes final, the enforcement body with an special decision or order will order that the registered rights and encumbrances in public book of real estates be deleted, except the ones which remain for real estate even after its hand over to the purchaser or which have been taken over by the latter.

2. Purchaser through a claim may request deletion of the rights and encumbrances from paragraph 1 of this Article, if this was not done by the enforcement body and cadastre.

Article 270
Enforcement in the territories where there is no public book of immovabilities

1. In the territory where the cadastre of immovabilities has not been established, or the public book of immovabilities, respectively there is no register of rights of immovabilities as provided by the law, legal rules valid for documents which are submitted together with enforcement document as evidence for the right of ownership on real estate which is enforcement object shall be applied, and legal rules for other manner of registration of enforcement decision or enforcement writ on real estate. This applies also for the cases where registered have been lost or destroyed.

2. If provision of evidence for the right of ownership in accordance with the legal rules valid for the certain territory is impossible, instead of evidence of ownership, the creditor shall note in the enforcement proposal the place of real estate, its nomination, borders and surface.

3. In cases from paragraph 2 of this Article, the enforcement body will conduct sequestering inventory of real estate for which the enforcement is proposed and shall summon the creditor, debtor and persons whose real estate is bordered with such real estate at the inventory sequestering session.

4. Record of the sequestering inventory holds the significance of the enforcement registration and shall be published in the information board of the enforcement body.

5. For completed sequestering inventory, the enforcement body shall publish the announcement in the Official Gazette of Kosovo and at least one daily newspaper, indicating the enforcement body making the announcement, number of the case file, names and addresses of parties, data on real estate for which the enforcement applies, time and venue of inventory sequestering session, and when the record on sequestrating inventory is published in the enforcement body board. After fifteen (15) days from the day of announcement, the enforcement body shall summon the interested persons to inform the enforcement body on eventual reasons which obstruct the enforcement of real estate concerned.

Article 271
Enforcement against non-registered real estate

1. If in the territory where public books of real estate are established, the real estate is not registered, the creditor should accompany the enforcement proposal with documents based on which the registration may be done.

2. After the delivery to the enforcement body of enforcement proposal and based on which the registration of real estate may be done, the enforcement body immediately shall deliver the documents to the enforcement authority, body or organization which keeps the registers for the purpose of registration. In this case the enforcement body halts acting until the conclusion of the registration procedure.

3. If the creditor in his enforcement proposal, proposes the building as enforcement object, or part of the building which is not registered in the public book of real estate, together with the declaration that registration cannot be done in sense of paragraph 1 and 2 of this Article, the enforcement body with decision or order will allow enforcement on real estate in non-registered ownership of debtor, if the creditor hands over or states the evidence of non-registered ownership, building permission issued in the name of debtor, or if the building permission is not in debtor's name, documents for legal actions by which the ownership of debtor on real estate or part of it may be obtained.

4. Upon request of the enforcement creditor, the enforcement body shall assign a duty to debtor or to third person to hand over documents from paragraph 3 of this Article, under threat of fine from Article 15 and 16 of this law. Upon the request of creditor, he will oblige, with the enforcement body decision, the competent state body to hand over documents from paragraph 3 of this Article.

5. When the enforcement body assigns enforcement against real estate which cannot be registered in public book of real estate in accordance with paragraph 3 of this Article, in conditions of sale will be particularly emphasized that it has no registered ownership, and instead of note, inventory will be conducted in manner foreseen in Article 270 paragraph 3 and 4 of this law.

TITLE X

ENFORCEMENT FOR SETTLEMENT OF NON-MONETARY CREDITS

Article 272
Setting court penalties

1. When debtor does not fulfill, within assigned deadline any non-monetary obligation determined through enforcement document, the enforcement body of jurisdiction for determination of enforcement of non-monetary credit, upon proposal of enforcement requester, with enforcement decision or enforcement writ will assign additional deadline and obligation, in the case of disrespecting such deadline to pay to the enforcement creditor each day of delay, or other time unit, in accordance with the rules from obligation relations, from the expiration of the deadline of court penalties.

2. Additional deadline from paragraph 1 of this Article starts to run from the day of delivery of the decision assigning such deadline to the debtor. Running of the additional deadline shall not be interrupted even when the decision for determination of penalties is attacked by appeal.

3. Against the decision from paragraph 1 of this Article, the party has the right to appeal within seven (7) days. Presented appeal does not produce suspending effect.

4. If the debtor within fifteen (15) days from the day the decision from paragraph 1 of this Article becomes final fulfills his obligation, the enforcement body may decrease the amount of penalties upon request of debtor presented within seven (7) days, but taking into consideration the purpose of payment of penalties. The request of the debtor does not impact the enforcement and its application, based on the final decision for payment of court penalties from paragraph 1 of this Article.

5. Final decision from paragraph 1 through 3 of this Article may be enforced in the same procedure.

Article 273

Enforcement for settlement of the determined penalties

1. Based on final decision for payment of court penalties from Article 272 of this law, the enforcement body in the same enforcement procedure for issuing such decision, upon proposal of enforcement requester, shall issue an enforcement decision or enforcement writ for the purpose of compulsory payment of determined penalties.

2. If the debtor in the objection against enforcement decision or enforcement writ alleges to have fulfilled the obligation, the enforcement body will approve the objection in enforcement procedure only if proves the foundation through public or non-public document which has an weight of public document.

TITLE XI

ENFORCEMENT WITH PURPOSE OF HANDING OVER OF MOVABLE ITEMS

Article 274
Territorial jurisdiction in case of court enforcement

The court in territory where items are situated shall be competent to decide on the enforcement proposal with the purpose of handing over of one or more items, or with the purpose of delivery of certain amount of substitute items and for implementation of the enforcement.

Article 275
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement with purpose of handing over one or more items, or with the purpose of delivery of certain substitute items and for implementation of the enforcement.

Article 276
Cases when items are held by debtor or third person

1. Enforcement for handover of one or more certain items which are with debtor shall be applied by taking such items from the debtor, by enforcement body and handing them over to creditor with an written certificate.

2. In a manner shown in the paragraph 1 of this Article, the enforcement shall be applied even when the items are with the third person who is willing to hand them over to enforcement body. If third person does not want to hand over the items, the enforcement requester may propose to the enforcement body to transfer the debtor's credit to the third person for handover of items.

3. In enforcement procedure upon proposal from paragraph 2 of this Article, shall apply the provisions of this law on enforcement against credit for handing over or delivery of movable items.

Article 277
Cases when items are not found with debtor nor with third person

If the items were not found with debtor or the third person, the enforcement body shall inform the creditor who within seven (7) days may propose to evaluate the value of items and to pay the amount of value to settle the credit.

2. Based on proposal of paragraph 1 of this Article, enforcement body shall assign an expert to evaluate the movable items and issue a decision ordering the debtor to pay the amount of their value as set by the same enforcement procedure.

3. If the creditor's proposal is not submitted within the time specified in paragraph 1 of this Article, the procedure execution will be suspended.

Article 278
Consolidation of proposals

1. Enforcement requester together with the proposal for enforcement for hand over of items which are with the debtor, or third person, may also submit the proposal for issuance of the decision or order from paragraph 1 of Article 277 of this Law. In the case of the consolidation of two concerned proposals, enforcement according to the Article 276 of this law and the procedure from this Article shall be applied at the same time.

2. The enforcement body may assign the foreseen enforcement from paragraph 3 of the Article 277 of this Law and may start its application but the actions of the sale of debtor's sequestrated items and transfer of money from his bank account cannot be done before it is concluded that the enforcement from paragraph 1 and 2 of the Article 276 of this law cannot be completed.
3. If the enforcement regulated with Article 276 of this law is successfully concluded, the enforcement body shall ex officio suspend the procedure, shall dismiss the decision or order from paragraph 1 of the Article 277 of this law and other completed actions from provisions of paragraph 1 of this Article. In such case, the enforcement requester shall carry the burden of expenses through submission of proposal from paragraph 1 of this Article.

Article 279
Enforcement for delivery of substitute items

If the enforcement document assigns the obligation for delivery of assigned quantity of substitute items which are with the debtor, or third person, the enforcement shall be applied in foreseen manner for handover of individually assigned items Article 276 shall be enforced appropriately.

Article 280
Procedure when the items are not found

1. When the substitute items are not found with the debtor or third person, the enforcement requester may propose that enforcement is applied by the authorization of the enforcement body within the deadline to purchase such items on the debtor's expenses.

2. The proposal to purchase the items may be submitted by the enforcement requester within seven (7) days from the day when the enforcement body has informed him that items were not found with the debtor or with the third person.

3. Upon proposal of the enforcement requester, the enforcement body by decision or order shall order the debtor deposit within the deadline to the enforcement body the amount of money needed for purchase of items and shall assign the enforcement for payment of this amount with interest-delay from the day of evaluation of items until the day of deposition of the amount with the enforcement body.

4. The enforcement requester has a duty that in proposal from paragraph 1 of this Article assign an enforcement mean with the purpose of payment of the needed amount for purchase of substitute items.

5. Enforcement of the decision or order from paragraph 1 and 3 of this Article is conducted only after it becomes final.

6. If the enforcement requester within the deadline from paragraph 2 of this Article has not submitted the proposal for purchase of items, the enforcement body shall suspend the enforcement procedure except when the enforcement requester has timely submitted the proposal that debtor should pays him the value of items for which he was obliged to hand over.

7. If during the conduct of the procedure the value of the substitute items has changes, the enforcement requester may request the enforcement body to provide new evaluation and may order the debtor to pay the difference in value.

Article 281
The right of damage compensation

The provisions from this Title of this law do not affect the right of the enforcement requester to request through a claim against the debtor in contested procedure, the compensation for damage caused by failing to hand over or delivery of items.

TITLE XII

ENFORCEMENT FOR EVICTION AND HAND OVER OF REAL ESTATE

Article 282
Territorial jurisdiction in case of court enforcement

To decide on the enforcement proposal for eviction and hand over of the real estate and for the commission of enforcement, territorial jurisdiction is with the court covering the territory of real estate.

Article 283
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement proposal for eviction and hand over of the real estate, and for the commission of enforcement.

Article 284
The method of applying enforcement

1. The enforcement procedure with the purpose of eviction and hand over of the real asset shall be applied in the way by the enforcement body through removing persons and items from the real estate, hand over the estate under the possession of the enforcement creditor.

2. Eviction and hand over of real estate is conducted only after seven (7) days after deliver of the enforcement decision or enforcement writ to the debtor, and who did not submit an objection against such decision. In case that the debtor has submitted an objection against the enforcement decision or enforcement writ, the seven (7) days deadline will start running from the decision dismissing the objection is delivered to the debtor.

3. If juvenile persons are also to be evicted from real estate, the enforcement body shall inform the guardian body.

4. The enforcement creditor shall provide the required workforce and the transportation means with the purpose of completing enforcement. This notification shall be forwarded by the enforcement body to the creditor at least seven (7) days before applying enforcement.

Article 285
Compulsory measures when needed

1. Upon request from the enforcement body, the police authorities and guardian body shall provide the required assistance, for the purpose of completing enforcement actions from paragraph 1 of Article 284 of this law.

2. The court shall sentence the measure of eviction or fine from Article 15 and 16 of this law against the persons who obstruct enforcement.

Article 286
Removal of movable items from real estate

1. Movable items which should be removed from real estate shall be handed over to the debtor, and if he is not present, the items shall be handed over to the adult member of his family or to a person authorized by debtor.

2. If in the case of the commission of enforcement actions none of the persons from paragraph 1 of this Article is not present, or if they refuses to take over the items, the items will be handed over to other person for custody, on debtor's expenses.

3. The creditor has a duty to find another person to whom the removed items from real estate will be delivered. The creditor may take over the debtor's removed movable items from real estate for custody on debtor's expenses.

Article 287
Confirmation of enforcement agent's actions

1. The enforcement body shall hand over removed items for custody to other person or to enforcement creditor. The enforcement body may later decide with conclusion to take over the removed items from other person and entrust to third person for custody.

2. For handing the items for custody to third person and for the costs of custody, the enforcement body shall inform the debtor, if this is possible, and shall assign a deadline by when he may request the handover of items after the payment of the costs of custody until that moment.

3. Together with this notification, the enforcement body shall warn the debtor that after the expiration of the assigned deadline from paragraph 2 of this Article, the items will be sold and costs of custody and sale of items will be covered from the price of the sale.

Article 288
The sale of the removed items

1. The enforcement body through conclusion will assign the sale of the removed items in interest of the debtor, if he within the deadline does not request their hand over and does not compensate the costs of custody.

2. The part of the sale incomes that remained after the payment of the costs of custody and sale, shall be deposited with the enforcement body in benefit of the debtor.

3. The sale of items shall be conducted according to the provisions of Chapter 2, Title 1 of this law, with the purpose of settling the monetary credit.

Article 289
Enforcement for settlement of costs

1. The creditor, with the purpose of eviction and hand over of immovable item, has the right with his enforcement proposal, to request assigning the enforcement for movable items of debtor in the same enforcement action, which should be removed from real estate with purpose of payment of procedural costs.

2. Enforcement from paragraph 1 of this Article shall be assigned and applied according to the rules from this law foreseen in the Title 1 Chapter 2 of this law for settlement of monetary credit, upon proposal from enforcement requester.

TITLE XIII

ENFORCEMENT FOR SETTLEMENT OF CREDIT FOR COMMISSION, OMMISSION OR TOLERANCE/INCURENCE

Article 290
Territorial jurisdiction in case of court enforcement

If the debtor based on enforcement document has a duty to perform certain action, tolerate certain actions, or to omit from certain actions, territorial jurisdiction to decide about enforcement proposal is with the court in territory of which the debtor should fulfill the obligation assigned in enforcement document.

Article 291
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement if the debtor based on enforcement document has a duty to perform certain action, tolerate certain actions, or to omit from certain actions.

Article 292
Obligation for action which may be performed by anyone

1. Enforcement for settlement of obligation for action which may be performed by anyone, shall be applied in the way whereby the enforcement body authorizes the enforcement creditor, that in debtor's costs entrusts the other person with the commission of such action, or may perform the action himself.

2. In enforcement proposal the enforcement requester may propose that the enforcement body through the enforcement decision or the enforcement writ order the debtor to deposit that in advance the required amount for payment of expenses to be incurred with the commission of action by other person, or by creditor himself. The quantity of the deposited amount is assigned by the enforcement body at his discretion, considering the price list of the authorized person, for commission of such action, which is to be attached to the enforcement decision by the creditor.

3. Final decision or order on the amount of expenses from paragraph 2 of this Article shall be awarded by the enforcement body upon the proposal of the enforcement requester, respectively debtor, after the commission of action.

4. If later is concluded that based on decision or order from paragraph 2 of this Article more means than needed for coverage of expenses for commission of action and expenses of enforcement procedure are taken from the debtor, the enforcement body will return the difference if there are means taken by debtor, respectively will order to the creditor to return such difference within certain time-limit, if these were left in his disposal.

5. Based on decision from paragraph 2 of this Article, the enforcement may be proposed even before the enforcement decision or order becomes final, while based on the decision from paragraph 3 of this Article, only after it becomes final.

Article 293
Obligation of action which may be performed only by the debtor

1. If the action assigned by enforcement document may be completed only by debtor, the enforcement body with an enforcement decision or enforcement writ will assign a deadline to debtor for fulfilling the obligation. Through enforcement decision or enforcement writ the enforcement body at the same time shall threaten the debtor and eventually responsible persons of the debtor which is legal person that they will be fined according to Article 15 and 16 of this law, if within assigned deadline they does not fulfill the obligation.

2. If the debtor within deadline assigned by the enforcement body does not fulfill the obligation, the court upon proposal from enforcement requester will act further according to the provisions of Article 15 and 16of this law.

3. Debtor who has fulfilled its obligation within the deadline assigned by the court, shall without delay inform the enforcement body on such event, and shall submit to the enforcement body the mean undoubtedly proves the allegation. Such evidence include written certified statement of the enforcement requester, which shows that the compulsory action is performed, the record of enforcement body in which is concluded that the compulsory action is performed, conclusion and opinion of the expert, which show that the action is performed etc. In contrary it will be considered that the action is not performed.

4. If the action which may be performed only by the debtor, does not depend from his will (creation of and music artistic act, visual, literal, architectonic, etc), the creditor does not have right to request the reward from paragraph 1 of this Article, but only the right to request reward for caused damage.

Article 294
Obligation for tolerance and omission

1. If debtor is obligated to tolerate commission of any action, or to omit from the commission of an action, the enforcement body, upon proposal from the creditor who alleges that debtor is acting in contrary to his obligation, with decision or order will order debtor to behave in accordance with his obligation and threatens him with fine. Fines shall be enforced in case of failure to meet the obligations in line with Articles 15 and 16 of this law.

2. The creditor may submit a proposal to the court to sentence the debtor a fine because he, despite of the enforcement body's order, has continued to act in contradiction with the obligation. This proposal should be done in fifteen (15) days from the finding out of such debtor's behavior, but at latest within one year from the breach of obligation.

3. After expiration of deadline from paragraph 2 of this Article, the enforcement body through a decision shall refuse the proposal for sentencing a fine and shall suspend the procedure, while the creditor shall lose the right of presentation of new enforcement proposal, based on the same enforcement document.

4. Provisions of Article 293 of this law shall accordingly apply for the enforcement procedure from paragraph 1 of this Article.

Article 295
Deposit of guarantee for compensation of damage

1. Enforcement body, upon proposal by the creditor will order with decision or order the debtor to deposit with the enforcement body an amount of money for compensation of damage which creditor may suffer by further behavior of the debtor in contradiction with his obligation for tolerance and omission. In this case the enforcement creditor should truly prove the possibility of suffering of damage.

2. The duration of guarantee shall be assigned by the enforcement body considering the circumstances of the concrete case.

3. Based on decision for deposit of guarantee, the enforcement shall be applied upon proposal by the creditor.

Article 296
Enforcement with the purpose of restitution to the previous state

1. If because of the debtor's behavior in contradiction with his obligation from the enforcement document a change is created which is not in accordance with the rights of the creditor, the enforcement body shall authorize the latter with his proposal that himself, and if needed also with the help of enforcement body, reinstate the previous state on debtor's expenses and on his risk.

2. With regard to the deposit of needed amount for coverage of the costs that maybe caused by the restitution to the previous state and assignment of their definitive amount, the provisions for expenses for enforcement of action, which except the debtor, may be performed also by other person shall apply.

Article 297
Repeating obstruction of possession

1. If enforcement is completed based on enforcement document, issued upon the claim due to obstruction of possession, or if the debtor has voluntarily fulfilled his obligation, and after this again obstructs the possession which in essence does not differ from the previous obstruction, the enforcement body upon proposal from enforcement requester, based on the same enforcement document will issue new enforcement decision or writ, with the purpose of restitution to the previous state if needed, and will threaten the debtor with fine if he again commits obstruction of possession. Provisions of Article 290 of this law shall be accordingly applied.

2. Proposal for enforcement from paragraph 1 of this Article, the enforcement requester may submit within thirty (30) days from the day of finding out on the repeating obstruction of possession, but at latest within one (1) year from the repeated obstruction.

Article 298
The right of damage compensation (indemnity)

Provisions of this chapter of the law do not affect the right of the creditor to file a claim in the contested procedure claiming the compensation for damage caused through the behavior of debtor in contradiction with the obligation assigned by the enforcement document.

TITLE XIV

ENFORCEMENT OF DECISION FOR DIVISION OF ITEMS

Article 299
Territorial jurisdiction in case of court enforcement

To decide on enforcement proposal and for application of enforcement based on the decision for division of items, territorial jurisdiction is with the court in territory of which the item in co-ownership is situated.

Article 300
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has competence to decide on the enforcement proposal and to carry out enforcement on the enforcement proposal for movable items and for application of enforcement based on the decision for division of items.

Article 301
Physical division of the item

1. Physical division of the joint item, shall be assigned by the enforcement body if such a division is foreseen with the enforcement document.

2. Special actions for commission of the physical division shall apply according to the circumstances of the case by the enforcement body.

3. The enforcement body will summon the participants of the procedure to be present during the commission of physical division of the item.

4. If needed, the enforcement body may assign the expertise.

Article 302
Division of item through sale

If based on enforcement document the joint item should be sold for the purpose of division, the sale will be done in a manner foreseen in Chapter 2 Title 1 and 9 of this law. For certain issues the parties may agree differently.

Article 303
Determining the manner of division

1. Enforcement body shall decide according to the rules on legal-property relations whether to conduct physical division of the item, or through sale, if the enforcement document does not assign the manner of division, and the parties have not agreed on such issue.

2. Division will be conducted through sale of the joint item, if the enforcement procedure concludes that foreseen physical division of the item is impossible, or may be possible through reducing the value of item.

Article 304
Costs of the enforcement procedure

1. Costs of applying the enforcement according to the provisions of this chapter, shall be covered by all co-owners proportionally with the value of portions belonging to them over the item in their co-ownership.

2. Co-owner, who has incurred special expenses, shall pay such expenses to the co-owners who had such expenses.

TITLE XV

ENFORCEMENT FOR THE PURPOSE OF TAKING THE STATEMENT OF WILL

Article 305
Non-conditioned credit

1. If the debtor through enforcement decision or enforcement writ is obliged to provide a statement of will, it shall be considered that the statement as provided in the enforcement document is given at the moment when such decision became final.

2. If the debtor has undertaken the obligation of giving the statement of will through court or administrative settlement, it shall be considered that the declaration as in the settlement was given at the moment when his obligation became claimable according to such settlement.

Article 306
Conditioned credit

If the fulfillment of obligation for giving of statement of will depends on fulfillment of any obligation by the enforcement creditor, or from any other condition, it shall be considered that debtor has given his statement at the moment when the creditor has fulfilled his obligation, or at the moment of fulfillment of other condition which is proven by public document, or with the document certified according to the law.

TITLE XVI

ENFORCEMENT THROUGH REGISTRATION OF THE RIGHTS IN PUBLICBOOK

Article 307
Territorial jurisdiction in case of court enforcement

For decision on proposal for enforcement with purpose of establishment of the rights on real estate through registration in public book, and for the transfer, limitation, or deletion of the registered right, territorial jurisdiction is with the court in which territory is situated the body which keeps public book on real estates.

2. The court has territorial jurisdiction or body that holds the public register for such real estate is competent to apply enforcement referred to paragraph 1 of this Article.

Article 308
Jurisdiction in case of enforcement by the private enforcement agent

The private enforcement agent has the jurisdiction to decide on the enforcement proposal and to carry out enforcement with purpose of establishment of the rights on real estate through registration in public book, and for the transfer, limitation, or deletion of the registered right.

Article 309
Manner of application of the enforcement

1. Based on the enforcement document which assigns the obligation for registration in public book, the enforcement body shall order the public book to conduct the respective registration.

2. Assigned registration through enforcement decision or enforcement writ shall be applied ex officio.

Article 310
Registration of the right of ownership when the debtor is not registered as owner

When debtor is not registered as owner of real estate, the registration of the right of ownership of creditor for this real estate may be done if, creditor together with the enforcement proposal submits the evidence in conformity with the rules for registration of the rights on real estate, that legal predecessor of debtor is the person who is registered as owner.

Article 311
Registration of item's other rights when debtor is not registered as owner

When upon the enforcement document the creditor is authorized to request registration of the right of pledge against the debtor, or any other right on items in real estate except the right of ownership, while the debtor is not registered as owner of real estate, the enforcement creditor may request through the enforcement proposal that the right of ownership be registered in debtor's name followed by the registration of the right of creditor, if he presents evidence, in accordance with the provisions for registration of the rights in real estate, which show that the debtor has gained the right of ownership on such real estate.

TITLE XVII

ENFORCEMENT OF DECISION ON REINSTATING TO WORKING PLACE

Article 312
Territorial jurisdiction

1. To decide on enforcement proposal based on enforcement document forcing the employer to reinstate the employee to work, or to assign him/her to appropriate position and for application of enforcement, territorial jurisdiction is with the court in whose territory the employment relation is created.

2. The court has exclusive competence over the enforcement of the enforcement decision in relation to reinstatement of the employees and civil servant to work.

Article 313
Deadline for presenting the enforcement proposal

Enforcement proposal based on enforcement document for reinstatement to work may be presented within ninety (90) days from the day when the decision becomes final.

Article 314
Method of applying the enforcement

1. Enforcement based on enforcement document forcing the employer to reinstate the worker, or to provide him/her appropriate working position, shall be applied through fines against the employer and responsible person of the employer.

2. Fine shall be determined according to the provisions of Article 15 and 16 of this law and enforcement provisions for purpose of settlement of credit for action that may be performed only by debtor.

Article 315
Indemnity payment in case of return of worker to work

1. Creditor who has submitted the proposal for return to work, has the right to request the court the issuance of the decision forcing the debtor to pay him/her monthly salaries which become claimable, from the day when the decision became final until the day of return to work. Through the same decision, the court assigns enforcement for settlement of monthly salaries.

2. Request from paragraph 1 of this Article may be attached to the enforcement proposal, or may be presented latter until the conclusion of the enforcement procedure.

Article 316
The effect of compensation decision

1. Decision issued according to paragraph 1 of the Article 315 of this law has the effect of the decision certifying the existence of obligation of debtor and effect of enforcement decision.

2. Debtor may propose that decision from paragraph 1 of this Article is invalidated if after its issuance, the circumstances based on which it was issued have changed.

3. Compensation of monthly salary is assigned in amount which the worker would earn if at work.

Article 317
Settlement of compensation in special procedure

1. Enforcement creditor shall reserve his right for payment or compensation of monthly salaries or other payments while he was unemployed due to illegitimate decision of the employer for his dismissal from duty and may request his case to be processed in contested procedure

2. If the enforcement court only partially approves the request for payment of monthly salary, than the court will instruct the enforcement creditor to settle the other part of his request in contested procedure.

TITLE XVIII

ENFORCEMENT OF DECISIONS FROM THE AREA OF FAMILY LAW - HAND OVER AND TAKING OF CHILD

Article 318
Territorial jurisdiction

1. The court of general territorial jurisdiction for the party who requests the enforcement, but also the court in whose territory is the child is located shall have the jurisdiction to decide on proposal for enforcing the court order ordering the handover of a child to parent, or to other person, respectively institution to which the child is entrusted for custody and education.

2. Territorial jurisdiction for application of enforcement is with the court in territory of which the child is located at the time of enforcement.

Article 319
Right for presenting the proposal

Proposal for enforcement of decision may be presented by a parent or other person to whom the child is entrusted for custody and education, and also authority of custody.

Article 320
Method of application of enforcement

1. In case of application of enforcement, court shall especially regard the need for protection of interests of the child in highest possible extent.

2. Through the enforcement decision, the court shall assign to the debtor three (3) days from the day of delivery of decision to hand over the child to the parent or other person respectively institution to which the child is entrusted for custody and education, under the threat of fine.

3. Fine shall be given and enforced according to the provisions of this law for commission of act which may be conducted only by the debtor.

4. If the enforcement may not be applied through sentencing and enforcement of decision on fine, the enforcement will be applied by taking the child from the person where the child is held, and hand over to the parent, or other person respectively institution to whom the child is entrusted for custody and education.

5. Taking and hand over of child according to paragraph 4 of this Article may be conducted only by the judge in cooperation with psychologist from the custody institution, school, family consultation center, or other specialized institution for mediation in family relations.

Article 321
Continuation of enforcement

Court, upon proposal by the party to whom the child is entrusted, shall continue the enforcement according to the same enforcement decision, if the child within three (3) months from the day of child's hand over is found to be again with the person from whom it was taken.

Article 322
Taking of child

1. Exceptionally from provisions of Article 320 of this law, in the case it is concluded that his life, health or psycho-physical development is threatened, court shall apply the enforcement without

assigning deadline for handover of child and without giving court fines, by taking the child and handing him/her over to the parent or other person respectively institution to whom the child is entrusted for custody and education.

2. This enforcement shall be applied in cooperation with the custodian authority, in a manner regulated by Article 320 paragraphs 4 and 5 of this law.

CHAPTER III
PRIVATE ENFORCEMENT AGENT

TITLE I
OFFICE AND COMPETENCIES

Article 323
Status and competencies of the private enforcement agent

1. The private enforcement agent, in the performance of authorizations entrusted to him/her by this law, shall be appointed by the Minister of Justice (hereinafter: the Minister) in the territory of the basic court.
2. The private enforcement agent is competent to undertake all actions defined by Article 341 of this Law and other actions permitted or assigned to him under the law, except where expressly forbidden under the law.

3. The private enforcement agent shall undertake actions to implement the enforcement within the territory for which he/she has been appointed

4. At the request of the creditor, the private enforcement agent may undertake actions to implement the enforcement also outside the territory for which he/she has been appointed, either in person or through a private enforcement agent of the other territory.

5. The organs of state administration may entrust the private enforcement agent with the implement of enforcement in the procedures, which are applied based on the decisions of these state organs, unless it is provided otherwise with a special law.

6. The seat of the private enforcement agent shall be located within the territory of the basic court for which he/she has been appointed.

Article 324
Activities incompatible with the performance of enforcement actions

1. The performance of supervisory or management functions in the commercial entities, state entities, financial services, commercial affairs and notary and lawyers' duties shall be incompatible with the performance of enforcement actions.

2. The enforcement agent may not enter into employment relationship with a state of commercial entity.

3. The restriction referred to in paragraphs 1 and 2 of this Article shall not apply to scientific, technical, artistic or educational activities, or the conduct of activities in the Chamber and international associations of enforcement agents.

Article 325
Dismissal

1. The provisions of the Law of Contested Procedure that apply on the dismissal of judges shall accordingly apply to the dismissal of enforcement agents.

2. The judge of the basic court within whose territory the enforcement agent is appointed shall decide on the request for dismissal.

3. No appeal is allowed against the decision for approval or dismissal or a request for disqualifying any private enforcement agent.

4. Enforcement actions of the enforcement agent, performed in contradiction with the paragraph 1 of this Article, shall be null and void.

TITLE II

APPOINTMENTS AND OATH

Article 326
Conditions for appointment of the private enforcement agent

1. The person who meets the following conditions may be appointed as a private enforcement officer:

1.1. he/she must be a citizen of Republic of Kosovo;

1.2. he/she must have a legal capacity to act and must be medically fit;

1.3. he/she must have graduated the faculty of law, in the country or abroad, with nostrified diploma in Republic of Kosovo;

1.4. he/she must have passed the Bar Exam;

1.5. he/she must have at least three (3) years of legal experience;

1.6. he/she must have passed the enforcement examination;

1.7. he/she is not undergoing any investigation procedure for any criminal violation, respectively he is not convicted for any criminal offense with imprisonment for any act punishable for at least six (6) months of imprisonment, which affects the integrity of enforcement agent.

1.8. he/she must provide a declaration of assets before a public notary, with all the consequences for providing false statement.

2. If criminal proceedings are pending against a person who has filed an application for appointment as an enforcement agent, the appointment decision shall be postponed until the final decision is reached in the criminal procedure.

Article 327
Setting the Enforcement Agents number

1. The number of private enforcement agents shall be determined by the Minister in accordance with this law.

2. For the territory of the basic court, one public enforcement agent's position shall be assigned for twenty five thousand (25.000) inhabitants.

3. The number of private enforcement agents for the territory of the Basic Court may be increased until the number of public enforcement agents appointed in each region shall meet or exceed the ratio provided by paragraph 2 of this Article.

4. Exclusively from paragraph 2 of this Article, the Minister of Justice, depending on the need or according to the request of the Kosovo Judicial Council or the Chamber of Enforcement Agents decides on appointing more enforcement agents.

Article 328

Appointment procedure for private enforcement agents

1. The Minister shall appoint private enforcement agents on the basis of a competition.

2. The Ministry of Justice (hereinafter: the Ministry) shall publish a vacancy announcement in at least two (2) daily newspapers.

3. The vacancy announcement deadline shall not be less than thirty (30) days from the date of announcement under paragraph 2 of this Article. The applicants must attach the respective documentation proving the eligibility requirements from Article 326 of this law.

4. The Commission for the Evaluation of Candidates (hereinafter the Evaluation Commission) shall be appointed by the Minister, which is composed as following:

4.1. one (1) Supreme Court judge nominated by the Kosovo Judicial Council;

4.2. two (2) enforcement agents nominated by the Chamber of private enforcement agents;

4.3. one (1) representative of the Ministry of Justice who has at least ten (10) years of experience in the field of justice;
4.4 one (1) full professor of the civil law.

5. For the first batch of private enforcement agents until the establishment of the Chamber of private enforcement agents, members from sub-paragraph 4.2 of this Article shall be substituted by two (2) judges nominated by Kosovo Judicial Council.

Article 329
Organization of enforcement agent evaluation and examination

1. Evaluation commission, after evaluating the applications and documentation, shall provide the list of candidates nominated to be submitted to the minister.

2. Upon selection among high number of applicants, their results from private enforcement agents' exam.

3. The Minister shall issue a bylaw on the work of the Evaluation Commission.

Article 330
Appointment of private enforcement agents

1. The Minister, within thirty (30) days from the day of receiving the list with nominated candidates shall take a decision for appointment of private enforcement agents.

2. The Minister’s decision for appointment shall be sent to the private enforcement agent and shall be published in the official website of the Ministry of Justice, and the decision may not subdue the administrative appeal; only administrative conflict may be initiated against the decision.

3. The Minister shall arrange the re-examination and repeating the appointment process within nine (9) months after prior examination if there are vacant positions that were previously announced but remained open or became vacant in this period of time.

Article 331
Oath and commencement of activity of the private enforcement agent

1. The person appointed as a private enforcement agent shall take an oath before the Minister, within thirty (30) days from appointment,

2. The text of the oath is as follows:

"I swear that I shall perform my enforcement actions with dignity, honor, and impartiality in accordance with the Constitution and laws of Republic of Kosovo and by defending the interests of parties."

3. The private enforcement agent within sixty (60) days from taking the oath shall forward to the ministry all evidence proving the fulfillment of requirements from Article 332 of this law.

4. The minister shall assign the date for commencing the enforcement activity, while the private enforcement agent the Chamber of Enforcement Agents shall be duly notified.

Article 332
Requirements to be met after taking the oath

1. After taking the oath, the private enforcement agent:

1.1. concludes an insurance agreement for damages that he/she may cause to third persons during the service;

1.2. concludes an agreement insuring the premises and objects received for deposit in case of their damage, destruction or loss;

1.3. opens a separate account in one of the commercial banks where only the money from the enforcement cases will be deposited and will be used exclusively for settlement of the creditors' debts;

1.4. provides office space in the territory of the basic court where the seat will be located;

1.5. provides necessary equipment for conduct of enforcement;

1.6. shall have the official square and round seal and stamp;

1.7. shall deposit his signature and initials with the basic court within the region he/she is appointed. In the event of relocation of his place outside the territory of the basic court, after the appointment of the enforcement agent for the new place, he shall deposit his signature and initials with the registry of the basic court in the territory where he/she is relocated.

2. The minimal technical and other conditions dealing with the equipment and premises under sub-paragraphs 1.4 and 1.5 of paragraph 1 of this Article shall be determined by the Minister.

3. It shall be considered that the private enforcement agent has not been appointed if:

3.1. refuses to take the oath;

3.2. does not respond to the invitation for taking the oath with no justifiable reasons;

3.3. within the deadline from Article 331, paragraph 3 of this law does not provide the evidence for meeting the requirements provided for commencing the activity, or

3.4. does not start exercising the activity in the date as set.

4. The Minister shall issue the decision on cases provided under paragraph 3. of this Article. Decision cannot be appealed in administrative procedure and no administrative conflict can be instituted against.

Article 333
Stamps and identification card of the private enforcement agent

1. The enforcement agent shall have the official stamp and round stamp (hereinafter: stamp). The certified stamp sample and certified signature of the enforcement agent shall be deposited to the Ministry and the basic court within which territory the enforcement agent is appointed.

2. The stamp contains the logo of Republic of Kosovo, enforcement sign, the personal name of the enforcement agent and the seat of the enforcement agent. The private enforcement agent uses the stamps only after commencing the duty of the enforcement agent and only for actions for which the enforcement agent has undertaken within his/her legal activity

3. The enforcement agent, the replacer enforcement agent and the deputy enforcement agent shall have the enforcement identification card, which is issued by the Minister. The enforcement agent, the replacer enforcement agent and the deputy enforcement agent use the card after the commencement of the duty and exhibit the card during the performance of enforcement actions.

4. The form and content of the identification card of the enforcement agent is determined by the Minister.

Article 334
Registration in the register of private enforcement agents

1. Private enforcement agents, the replacers and the deputy enforcement agents shall be registered in the register of private enforcement agents, based on notification and evidence from Article 332 of this law, on the day of commencing the exercising the activities.

2. Ministry and Chamber of Private Enforcement Agents shall publish data on registration and commencement date on their official websites.

3. Private enforcement agents cannot commence exercising the enforcement activities before the assigned commencement date.

4. The records shall contain the following data:

4.1. registration ordinal number

4.2. name and date of birth of private enforcement agent;

4.3. personal number;

4.4. territory of the court for which the enforcement agent has been appointed;

4.5. number and date of appointment decision;

4.6. data of taking the oath;

4.7. date commencing the enforcement activities;

4.8. disciplinary measures, which have been imposed against the private enforcement agent;

5. Data from paragraph 4 of this Article shall be also entered for replacers and the deputy enforcement agents, except information on territory of the court for which they have been appointed and official seat.

6. The private enforcement agent, the replacer or deputy private enforcement agent shall notify within fifteen (15) days the Ministry and the Chamber for changes of data in the official record.

CHAPTER III

EXAM FOR PRIVATE ENFORCEMENT AGENTS

Article 335
Organizing the exam for private enforcement agents

1. The exam for private enforcement agent may be attended by the individual who is graduated from the faculty of law, according to four year study program or holding masters degree, with at least three (3) years of legal experience.

2. The exam for private enforcement agent shall be organized in line with the bylaw on exam for private enforcement agents, issued by the Minister.

3. Application for taking the exam for private enforcement agent, accompanied with evidence showing that conditions from paragraph 1 of this Article are met, shall be submitted to the minister. The minister shall issue a decision on organizing the exam for private enforcement agents to individuals who meet the requirements provided by the law.

4. After successful completion of the exam, certificate signed by the Minister shall be issued to the private enforcement agent.

5. Ministry shall hold records of individuals who have passed the exam for private enforcement agents.

Article 336
Private enforcement agents' Examination Committee

1. Exam for private enforcement agents shall take place before the private enforcement agents' Examination Committee (hereinafter: Examination Committee)

2. The composition of the Examination Committee shall be determined by the Minister through a decision.

3. The President, members and secretary of the Committee shall be entitled to reward for their work in the Commission at the amount set by the Minister.

TITLE IV

RIGHT AND OBLIGATIONS OF THE PRIVATEENFORCEMENT AGENT

Article 337
Independence

1. The private enforcement agent is independent and shall carry out functions only in accordance with the law.

2. In case a private enforcement agent is arrested or charged as defendant for crime of general character, the Minister of Justice and the Chamber Council shall be notified.

Article 338
Partnership of Private Enforcement Agents

1. Partnership companies of private enforcement agents may be established only by private enforcement agents for conduct of business under the conditions and in accordance with the provisions of the Law on Business Organizations.

2. Private enforcement agents in partnership according to paragraph 1. of this Article shall keep both their joint and individual records.

Article 339
Performance of enforcement actions

1. The private enforcement agent shall be responsible for the performance of enforcement actions in accordance with the provisions of this law.

2. The private enforcement agent shall perform the enforcement actions himself/herself or according to his/her authorizations the deputy of the private enforcement agent or his/her employee. The authorized persons by the private enforcement agent shall act in the name and in account of the enforcement agent.

3. The private enforcement agent, if necessary, for several actions of the enforcement of enforcement, may engage a third person to assist in such actions.

4. The private enforcement agent shall be liable for damage caused by the persons as mentioned in paragraphs 2. and 3. of this Article during their conduct of certain enforcement actions.

5. Employees of the private enforcement agent shall keep official secrets under the conditions that apply to the enforcement agent himself.

6. The Minister shall set forth the form, content and manner of maintenance of records on the received enforcement applications.

Article 340
Obligation for Enforcement

1. The private enforcement agent shall at all times be required to perform the official acts to which he is authorized in the entire region in which his place of practice is located, unless:

1.1. there are reasons for exclusions;

1.2. enforcement proposer does not pay the advance for the performance of official acts as required for the private enforcement agent under this act.

2. If circumstances arise as referred to in paragraph 1 of this Article, the private enforcement agent, insofar as this is within his power, shall take the necessary measures to ensure that the enforcement actions can be performed locally if required. To this end the enforcement agent may request the Minister to appoint a replacer enforcement agent. He may recommend a replacer enforcement agent.

3. If the private enforcement agent has been prevented from fulfilling his office for more than thirty (30) days, he shall so inform the Minister, stating the measures referred to in paragraph 2 of this Article he has taken.

Article 341
Duties of the private enforcement agent

1. The private enforcement agent in the procedure of assigning and implementing enforcement, in line with provisions and restrictions foreseen with this Law:

1.1. issues and implements the enforcement order in line with his/her authorizations;

1.2. receives and acts according to enforcement proposals based on claims and proposals for implementing enforcement of claims and assigns the method of enforcement if the creditor has not provided the proposal;

1.3. to serve acts and writs;

1.4. to identify the parties and participants in the enforcement procedure;

1.5. to collect the data for the property situation of the debtor;

1.6. to draw conclusions, draft transcripts, requests and other official data in accordance with authorizations as provided by this law;

1.7. to perform registration, property evaluation, sequestration and sale of movable property, and real estate rights;

1.8. to accept and preserve the registered and insured property of the debtor, order the transfer of ownership and perform the division of property and other monetary means realized by the property sale;

1.9. to perform the eviction and other enforcement actions for the purpose of enforcement of enforcement in accordance with this law and bylaws;

1.10. to mediate between debtor and creditor for purpose of reaching a settlement between them, following the request of the debtor or creditor;

1.11. to receive and transfer the monetary means in accordance with this law;

1.12. to maintain the records of cases in which he/she acts according to the form determined by the Minister;

1.13. to undertake other actions as provided for by this law, or the bylaws of the Chamber.

Article 342
Protection of Debtors rights

1. In his conduct of enforcement of claims, enforcement agent shall comply with this law, court decisions and requirements as set in the decision on enforcement, limiting enforcement to certain instruments and objects.

2. During the implementation of the enforcement the personal dignity of the debtors shall be preserved, and the enforcement shall be less cumbersome for the debtor.

3. Immediately upon completion of any enforcement action or activity concerning security of a claim, enforcement agent shall enter the enforcement activities in the records referred to in Article 349 of this law.

Article 343
Data Protection

1. The provisions of the Law on Private Data Protection are also applicable to the enforcement authority.

2. The enforcement authority should avoid processing data that is not necessary for this purpose.

3. The private enforcement agent shall keep the confidential data that he has access to during the conduct of his duty and may not use them to acquire personal gain or gain for other persons.

4. The duty referred to in paragraph 1. and 2. of this Article shall apply even after one terminates his service as enforcement agent.

5. Private enforcement agents shall be legally responsibility for maintaining confidentiality when secret, confidential or sensitive information comes to their attention in the course of enforcement proceedings. In case of a breach of this duty, measures of disciplinary liability are applicable, along with civil and criminal sanctions.

Article 344
Supplementary Activities

1. The private enforcement agent shall perform activities other than those referred to in Article 340 of this law only if they do not affect or obstruct the proper and independent discharge of his office or its reputation.

2. With regards to the interests referred to in paragraph 1. of this Article, the Minister may issue bylaws with regard to the performance of certain activities.

3. Through bylaw the Minister may prohibit certain activities of the enforcement agent, except with regard to:

3.1. the collecting of moneys for third parties;

3.2 inventories and valuations;

3.3. drawing of a written statement regarding substantive facts observed by the private enforcement agent personally.

Article 345
Access to data

Organs of public administration, organs of central government and other organs in their subordination, banks, entrepreneurs and other legal persons, following the request of the enforcement agent, shall ensure access to data which are necessary for the performance of enforcement actions.

Article 346
Cooperation

In exercising his authorizations the private enforcement agent may request the cooperation from all state bodies, officials and organizations, who shall be obliged to provide the cooperation requested.

2. The Police department shall immediately provide cooperation to the private enforcement agent at his or her request. Enforcement agent may make such a request in case of obstruction of the discharge of his functions, but the Police shall not decline a request for cooperation or assistance filed by an enforcement agent.

Article 347
Liability for the damage

1. The private enforcement agent shall be liable for the damage inflicted during the performance of enforcement actions and as a result of his negligence or of the negligence of the persons working under his responsibility as mentioned in Article 338 of this law.

2. The private enforcement agent shall provide personal insure for the period of his activity and for the period not less than three (3) years following the transfer, revocation or retirement from profession, against the damages that may result from failure to accomplish his tasks or failure of individuals working under his responsibility as mentioned in Article 338 of this law.

3. Minimum required insurance policy the enforcement agent must hold for damages that the enforcement agent may cause against the creditor, debtor, third parties or any other person during his service, shall be one hundred thousand (100.000) Euro or ten percent (10%) of the total value of registered decisions but not concluded by his/her Office.

TITLE V

MAINTAINING BUSINESS RECORDS

Article 348
The Official archive

1. Private enforcement agent shall maintain records of all received proposals for assigning and performing enforcements and other claims.

2. The private enforcement agent shall maintain records for the received and concluded cases in the official archive. The records shall include the following data:

2.1. name of court ordering enforcement or settlement of claim;

2.2. number of the enforcement case;

2.3. number of enforcement object or object used for settling the claim;

2.4. data about the creditor and debtor given in the enforcement decision;

2.5. date of receipt of enforcement claim and collection of debt;

2.6. date of decision assigning of the private enforcement agent and date of the receipt of the decision;

2.7. object and mean of enforcement if such data can be found in the decision on enforcement;

2.8. claimed amount;
2.9. decisions taken during enforcement;

2.10. amount of collected debt;

2.11. time and outcome of conducted enforcement;

2.12. data on persons settled and amount of settlement;

2.13. final amount of reward and compensation of cost of the private enforcement agent.

2.14. total number of cases per year handled by the private enforcement agent.

3. The records as mentioned in paragraph 1. of this Article shall be considered public records and shall form the official archive of the enforcement agent.

4. The bylaw to be issued by the Minister shall closely regulate the record taking from paragraphs 1. and 2. of this Article, access on records and handling of records in case of death, dismissal or rest of activity of the private enforcement agent.

Article 349
Business and personal records

1. The private enforcement agent shall keep records both with regard to his work and with regard to his business assets. These records shall at all times shall show his rights and obligations.

2. The private enforcement agent shall also keep records of his personal assets, also including the joint assets by marriage or entered into through registered partnership. Every year the enforcement agent shall draw a balance sheet both with regard to his business assets and his personal assets as well as a statement of incomes and expenditures with regard to his business.

3. The records regarding his work referred to in paragraph 1. of this Article shall relate to the official acts as well as the other activities referred to in Article 344 of this law carried out by the private enforcement agent.

4. The terms and procedure regarding the manner in which business and personal records shall be arranged and kept shall be specified in a Regulation of the Minister of Justice, issued after receiving an opinion of the Chamber.

Article 350
Duties Concerning Management and Disposition of Monetary Funds

1. The enforcement agent shall maintain at least one (1) bank account to be used exclusively for monetary deposits resulting from enforcement procedures.

2. Any money entrusted to the private enforcement agent in connection with his work for third parties shall be paid to this account. If such money has been paid to another enforcement agent's accounts by mistake, or if money has been paid erroneously to the special account, the enforcement agent shall pay such money to the correct account without delay. The same applies if the money is given to the enforcement agent in person. The erroneously enforcement agent shall state the number of the special account on his document.

3. The enforcement agent shall be exclusively authorized to administer and hold the special account. He may grant a power of attorney to a person working under his responsibility.

4. An enforcement agent shall forthwith supplement a deficit in the balance of the special account and shall be liable with regard to such deficit, unless he can demonstrate that he is not to blame for the deficit.

5. The right of all claimants whose funds are found on this account shall be computed pro rata to the amount that has been paid into the special account for his benefit.
6. Insofar as it is not born otherwise from the nature of his right, a rightful claimant shall at all times be entitled to payment of his share in the balance of the special account.

7. If the balance of the special account is inadequate to pay out the amount of his share to each rightful claimant, the enforcement agent may pay to the rightful claimant only such amount as the rights of the other rightful claimants allow. In that case the balance will be distributed among the rightful claimants pro rata to shares of each claimant, provided that if an enforcement agent is a rightful claimant, he shall be apportioned the amount remaining after all the other rightful claimants have received their shares to which they are entitled.

8. The funds kept on a special account may not be subject of seizure for the purpose of settling any debts of enforcement agent. If a garnishee order has been issued against the judicial agent on the share of a rightful claimant in the special account, the judicial agent who has made a statement in accordance with the provisions of the law may pay the judgment creditor in accordance with the statement or order without so being instructed by the rightful claimant.

9. By a bylaw issued by the Minister the manner of computation shall be laid down, threshold amount under which the interest and payment of the interest on the moneys paid into the special account cannot be paid. No interest shall be due below the threshold to be determined by the Minister.

10. Enforcement agent shall also maintain separate accounts for rewards and refund of cost, as well as for any funds from additional activities referred to in this Article and Article 344 of this Law.

11. If several enforcement agents work together in a partnership, the special account may be held in the joint names of those private enforcement agents, the partnership or the company.

12. The private Enforcement Agent shall transfer to the creditor all funds due to creditor no later than three (3) days following the receipt.

Article 351
Training of private enforcement agents

1. Private enforcement agent, replacer and deputy private enforcement agent shall attend professional training.

2. The chamber shall keep records of seminars and other forms of professional trainings of private enforcement agents and reports to the Minister.

TITLE VI

STATEMENT OF EXPENSES

Article 352
Compensation for actions of enforcement

1. The enforcement agent is entitled to award for his work and refund of costs incurred in relation to his work in accordance with tariffs on awards and cost refund for enforcement agents.

2. Tariffs on enforcement agents, the calculation method and amount of reward and other costs relating to the procedures, and the transfer of cases and records from the dismissed private enforcement agent to another private enforcement agent shall be determined by the KJC upon proposal of the Chamber.

3. Debtor is not responsible for any compensation to the enforcement agent, or any recovery of expenses, in excess of the amounts defined by the tariff.

Article 353
Costs Incurred by Enforcement agent

1. The costs of private enforcement agent incurred in relation to the enforcement procedure shall be considered costs of that procedure.

2. The enforcement agent shall draw up a statement of expenses with regard to a case entrusted to him, which clearly shows how the expenses charged have been computed and whether they relate to official acts or to other activities as referred to in Article 344 of this Law.

TITLE VII

Replacer and deputy private enforcement agents

Article 354
Replacer private enforcement agent

1. The replacer private enforcement agent (hereinafter: the replacer) shall replace the enforcement agent when he/she is prevented from the performance of enforcement actions due to illness, absence or temporary revocation of the right to exercise the profession.

2. The following may be appointed as replacer private enforcement agent:

2.1. private enforcement agent;

2.2. a person who meets the requirements for appointment as enforcement agent, as mentioned in Article 326 of this law, with the exception of requirement upon paragraph 1 of this Article.

3. The Minister shall with the decision appoint the replacer private enforcement agent. The decision of the Minister on the appointment of the replacer private enforcement agent shall be final. The person

from paragraph 2 of this Article who is appointed as replacer private enforcement agent for the first time, shall take an oath before the Minister.

4. The term of replacer shall end:

4.1. upon return of the enforcement agent he was replacer;

4.2. upon expiry of the term he was replaced for;

4.3. upon removal by the Minister;

Article 355
The rights and duties of the replacer private enforcement agent

1. The person appointed as a replacer private enforcement agent shall have the same rights, duties and responsibilities as the private enforcement agent. The provisions of this law in relation to the commencement, image, and content of the legislation, performance of duties, responsibilities and disciplinary measures of the private enforcement agent, non-compliance with the enforcement actions, control of the work of the private enforcement agent and dismissal of the private enforcement agent shall also apply to the replacer enforcement agent.

2. The replacer enforcement agent shall be authorized to enforce an application for the performance of official acts directed at the private enforcement agent to be replaced. He shall inform the applicant of the replacement.

3. The enforcement agent to be replaced shall grant the replacer private enforcement agent access to his records insofar as required for the replacement.
4. In the event of replacement on account of death, illness or absence the replacer private enforcement agent may continue providing records of the private enforcement agent that was the object of agreement with the latter.

5. After expiry of the replacement, paragraph 3. of this Article shall apply mutatis mutandis to the replacer private enforcement agent with regards to the replaced private enforcement agent.

6. When performing official acts, the replacer enforcement agent shall state his capacity. Except in the event of removal, he shall mention not only his own name, but also the name and place of practice of the private enforcement agent he replaces.

Article 356
The deputy enforcement agent

1. The private enforcement agent may have no more than two (2) deputy enforcement agents.

2. The person who fulfills the conditions provided for by this law for the appointment of the private enforcement agent may be appointed as deputy private enforcement agent.

3. The deputy private enforcement agent (hereinafter: the deputy) replaces the enforcement agent, on a daily base, when he/she is prevented from the performance of enforcement actions due to illness, holiday or temporary absence.

4. When acting in procedures of enforcement and security of claim deputy private enforcement agent shall use the seal and stamp of the private enforcement agent for whom he acts.

5. When acting in procedures of enforcement and settling of a claim, deputy private enforcement agent shall use his ID card and badge with his name and title “deputy private enforcement agent” inscribed.

6. The person appointed as a deputy private enforcement agent shall have the same rights, duties and responsibilities as the private enforcement agent.

7. The enforcement agent is responsible for the work of the deputy enforcement agent and shall with solidarity be liable for the damage caused by the work of the deputy enforcement agent.

8. The provisions of this law in relation to the commencement, image, and content of the legislation, performance of the duty, responsibilities and disciplinary measures of the private enforcement agent, non-compliance with the enforcement actions, control of the work of the private enforcement agent and dismissal of the private enforcement agent shall also apply to the deputy private enforcement agent.

9. The Ministry of Justice shall set in a special regulation the term for which the approval is valid, and the number of deputy private enforcement agents that may work simultaneously under the responsibility of one private enforcement agent.

Article 357
Appointment of Private Deputy Enforcement agent

1. The Minister shall with the decision appoint the deputy private enforcement agent following the proposal of the private enforcement agent.

2. The decision of the Minister on the appointment of the deputy private enforcement agent shall be final.

3. The person appointed as deputy private enforcement agent shall enter upon office on the day he takes and signs his oath before the Minister. The oath shall read as follows:

"I swear to observe the laws of Kosovo and perform the office of deputy private enforcement agent conscientiously, fairly, and impartially."

Article 358
End of the mandate as a deputy private enforcement agent

1. The mandate as a private deputy enforcement agent shall end by:

1.1. written notification to the Minister and the deputy private enforcement agent of the withdrawal of the designation by the private enforcement agent who made the designation;

1.2. the dismissal from duty or death of the designating private enforcement agent;

1.3. withdrawal of the approval or the expiry of the term for which the appointment was granted;

1.4. appointment of the deputy private enforcement agent as enforcement agent.

TITLE VIII

SUPERVISON

Article 359
Control over the work of private enforcement agents

1. Supervision over the lawfulness of work of enforcement agents and the Chamber shall be performed by the Ministry, through inspectors of the Ministry, ex officio or upon proposal of the President of respective court for the territory covering the activity of the private enforcement agent, President of the Chamber, and upon initiative of the parties and participants in procedure.

2. Ministry shall be authorized to:

2.1 check the business books, evidence, scriptures and stored items;

2.2 request all data on the business of public enforcement agent;

2.3 obtain data on business of private enforcement agent from competent bodies and organizations;

2.4 initiate the disciplinary procedure against public enforcement agent or replacer public enforcement agent;

3. Upon supervision of legality of work of private enforcement agent and the Chamber, the authorized person of the Ministry may order measures for remedying omissions in the work of private enforcement agent, and may assign the deadline to act upon such measures.

Article 360
Professional committee for evaluation of enforcement

1. In order to ensure that evaluation of enforcement is performed continuously and that oversight of the activities of the enforcement agents does not endanger their unhindered work, Minister appoints the Professional committee for evaluation of enforcement (hereinafter Committee) of seven (7) members and their deputies. Members and deputy members of the Committee are appointed for a period of four (4) years.

2. The Minister appoints members and deputy members of the Committee from the ranks of: basic court (two (2) members and deputy members); Court of Appeals (one (1) member and one (1) deputy member); Supreme Court (one (1) member and one (1) deputy member); Judicial Council (one (1) member and one (1) deputy member); Faculty of Law (one (1) member and one (1) deputy member); Ministry of Justice (one (1) member and one (1) deputy member).

3. Members and deputy members of the basic court, Court of Appeals and the Supreme Court are proposed by the Judicial Council.

4. The Chairperson of the Committee is elected by the members of the Committee in a secret ballot with majority of votes of the overall number of the members of the Committee, in its constitutive meeting.

5. For performance of the professional and administrative work for the Committee, the Ministry of Justice shall appoint officials from among the employees of the Ministry of Justice.

Article 361
Meetings

1. Committee works in meetings, which are attended by more than half of the overall number of the members of the Committee.

2. Committee decides with majority of votes of the overall number of members.

3. Participation during the works of the Committee is open, without the right to vote, to experts in issues that are on the agenda of the Committee, upon invitation by the Chairman of the Committee, representatives of other institutions and of the civil society when dealing with issues related to enforcement.

4. Committee, after receiving approval by the Minister, promulgates Rules of Procedure, by which it more closely regulates manner of work, convening and holding of meetings, public work and other issues important for the work of the Committee.

Article 362
Working conditions and tools

1. Ministry of Justice ensures necessary conditions for the work of the Committee, in compliance with the provisions of this law.

2. Members of the Committee are entitled to award for the work performed during the meetings, in accordance with a special decision of the Minister.

Article 363
Supervision or the work of private enforcement agent by the Chamber

1. Supervision over the work of private enforcement agent and replacer private enforcement agent shall also be conducted by the Chamber.

2. The Chamber shall conduct supervision ex officio, minimum once a year.

3. The Chamber may have access to the objects, data, and other archival material of the enforcement agent; bank accounts; management over stored objects and money placed as security; receipts for money collected as enforcement agent's reward or fee, as well as take all other measures in accordance with law and other legal acts and thereupon order the enforcement agent in question to remove irregularities and set a deadline for compliance.

4. The Chamber is authorized to order the enforcement agent to eliminate all the deficiencies in his/her work within the specified deadline and impose other disciplinary measures in accordance with the law and other provisions.

5. The Chamber shall submit the control report to the Ministry.

6. The Assembly of the Chamber shall decide on the way of performing the control, as per this Article.

Article 364
Report on the work of Enforcement agents

1. The enforcement agent shall submit the annual reports once in a year to the Ministry and the Chamber within three (3) months.

2. The bylaw on reporting methodology shall be issued by the Minister.

3. Annual reports shall include the following data:

3.1. total number of handled cases;

3.2. total number of disposed cases;

3.3. total number of unprocessed cases at year end, and

3.4. financial reports of incomes realized through enforcement and total amount of claims;

3.5. data on annual report of the private enforcement agent shall be published in the official website of the Ministry and Chamber; Data from the report shall be public until the publication of data from next year.

Article 365
Disciplinary liability of private enforcement agents

1. The private enforcement agent has disciplinary liability if upon exerting the activities, infringes the provisions of this law and other provisions, if does not meet the obligations provided in the statute and other acts of the Chamber, and infringes the prestige of the profession of private enforcement agent.

2. Private enforcement agent in disciplinary procedure may be sentenced only with disciplinary measures provided by this law.

3. Liability for a criminal or civil offence does not exclude the disciplinary liability of private enforcement agents.

Article 366
Initiating Disciplinary Procedure

The proposal for initiation of the disciplinary procedure can be raised by the Ministry, by the president of the Chamber, based on submissions and initiatives of parties in the procedure, their representatives, and persons authorized of the parties. The proposal based on submissions and initiatives of parties in the procedure may be presented also by the president of competent court covering the territory of appointment of the private enforcement agent.

Article 367
Disciplinary violations

1. Disciplinary violations can be the following:

1.1. if the private enforcement agent exceeds the authorizations entrusted by this law;

1.2. if during the performance of actions within his/her activity, the enforcement agent does not abide by the law;

1.3. if the private enforcement agent during the appointment has intentionally not disclosed any legal obstacle which is a condition on his/her appointment;

1.4. if the private enforcement agent has violated the duties prescribed by this law by endangering the confidence in his/her impartiality and in the actions which he/she undertakes;

1.5. if the private enforcement agent undertakes actions in the procedure despite reasons for exclusion;

1.6. if the private enforcement agent violates the duty of keeping the official secret;

1.7. if private enforcement agent requires award higher than prescribes by tariffs;

1.8. if the private enforcement agent refuses professional training with no reasonable causes;

1.9. if the private enforcement agent does not maintain records of the enforcement cases in which he/she works or records of cases which he/she maintains is not regular;

1.10. violation of duties provided by other provisions;

1.11. if the private enforcement agent does not pay the membership fee in line with the act of the Chamber.

Article 368
Disciplinary measures

1. The disciplinary measures for disciplinary violations are as follows:

1.1. warning;

1.2. public warning;

1.3. fine in the range from five hundred (500) to three thousand (3000) Euro;

1.4. suspension on the exercise of profession in the period from three (3) months to one (1) year; and

1.5. dismissal from duty.

2. Minister may suspend the private enforcement officer during the disciplinary procedures.

3. Fines from sub-paragraph 1.3 of paragraph 1. of this Article shall be paid to the budget of Republic of Kosovo.

4. Upon sentencing disciplinary measure shall take into account all circumstances that may affect the type of measures, weight and impact of the violation, damage caused, level of responsibility and earlier disciplinary measures.

5. Data on imposed disciplinary measures referred to in sub-paragraphs 1.3 through 1.5 paragraph 1. of this Article shall be posted on the internet page of the Ministry and the Chamber.

Article 369
Disciplinary Commission

The Disciplinary Commission shall enforce the disciplinary procedure for setting the disciplinary responsibility of the private enforcement agent and shall sentence disciplinary measure in line with this law.

Article 370
Composition of the Disciplinary Commission

1. The Disciplinary Commission appointed by the Minister shall be composed of three (3) members:

1.1. two (2) members among judges, nominated by the Kosovo Judicial Council, and

1.2. one (1) member among private enforcement agents nominated by the Chamber.

2. Chair and members of disciplinary committee shall have their alternates. Members of disciplinary committee shall be appointed for two (2) years term, with the possibility of re-appointment.

3. Members of disciplinary committee are entitled to remuneration for their work, to be paid by funds of the Chamber, in amount set by the Minister as per proposal of the Chamber of Enforcement agents.

4. Provisions of this law on liability and disciplinary procedure of the private enforcement agents shall appropriately apply on replacers and deputy enforcement agents.

Article 371
Exclusion and objection

1. The provisions of the Law of Contested Procedure that apply to the dismissal of judges shall supplementarily apply to the exclusion of the members of the Disciplinary Commission.

2. The minister with a decision shall decide on dismissal from paragraph 1 of this Article. The decision of the Minister shall be final.

Article 372
Disciplinary procedure

1. Disciplinary Procedure is considered to be opened on the day of delivery of the proposal for initiation of disciplinary procedure against the enforcement agent.

2. Disciplinary Procedure shall send to the enforcement agent the proposal for initiation of the disciplinary procedure, which within fifteen (15) days has the right to file a written defense regarding the proposal.

Article 373
Hearing session

1. The chairman shall set the date of hearing session of the case. The Disciplinary Commission shall summon the private enforcement agent concerned and the complainant to appear at the hearing at least ten (10) days in advance.

2. To the proposer for initiation of the disciplinary procedure together with invitation is sent the written response.

3. If at the hearing the consideration of the case is postponed or suspended for a specific period of time, no new notification will be effected as referred to in paragraph 1 of this Article.

4. The hearing of the Disciplinary Commission shall be public. For important reasons the Disciplinary Commission may order that the hearing will be wholly or partially held without public..

5. The private enforcement agent concerned and the complainant may be assisted or represented by an attorney.

6. The Disciplinary Commission may refuse certain individuals as counsels who are not lawyers.

7. The Disciplinary Commission shall give the private enforcement agent concerned and the complainant, as well as their attorneys or others who assist them, ample opportunity to take note of the documents relating to the case.

8. The enforcement agent concerned and the complainant or their attorneys and others assisting them shall be given the opportunity to address the Disciplinary Commission and elaborate their position.

9. The Disciplinary Commission may call and hear witnesses and experts. One of the members of the Disciplinary Commission may be instructed to hear witnesses and experts. Anyone summoned to appear as witness or expert shall obey the summons. He shall furthermore be required to answer the questions asked, or to render the services requested. The provisions of the civil procedure Code shall apply mutatis mutandis to the witnesses and experts.

10. After applying the disciplinary procedure, the Disciplinary Commission shall issue a decision.

11. The disciplinary procedure shall be regulated in more details by a sub-legal act of the Ministry.

Article 374
The Decision of Disciplinary Commission

1. As a result of the decision of the Disciplinary Commission regarding a complaint against a private enforcement agent, the complaint shall be declared inadmissible, unfounded or founded. The decision shall state reasons and shall be rendered in public.

2. If the Disciplinary Commission declares the complaint to be wholly or partially founded, it shall impose the disciplinary measures as referred to in article 368 of this Law.

3. Disciplinary action shall be taken only after the decision has become final or at a later time determined in the decision.

4. Without delay the Disciplinary Commission shall forward the decision in writing to the Minister, the enforcement agent concerned and the Chamber. The decision shall be published in the official webpage of the Ministry and Chamber.

5. The decision of the Disciplinary Commission shall be final. An administrative conflict may be initiated against the decision of the Disciplinary Commission.

Article 375
Period of time within which disciplinary proceedings may be initiated

Disciplinary proceedings may commence within the six (6) months from the day of violation, but not later than one (1) year from violation.

TITLE IX

TERMINATION, SUSPENSION AND DISCHARGE FROM DUTY

Article 376
Reasons for the cessation of the function of the private enforcement agent

1. The function of the private enforcement agent shall cease:

1.1. in the event of death;

1.2. when turning seventy (70) years of age;

1.3. in the event of written resignation;

1.4. in the event of final court decision on conviction for criminal offence with imprisonment of over six (6) months, or any other violation that affects the image of the function of private enforcement agent;

1.5. in the event of private enforcement agent not commencing his/her work within the period established by this Law;

1.6. in the event of dismissal.

2. In cases under paragraph 1 of this article, the Minister shall issue a decision for the cessation of function of the private enforcement agent.

3. The Ministry shall notify the Chamber and the competent court covering the area of private enforcement agent, on cessation of the function of the private enforcement agent. Upon request of the Minister an enforcement agent shall carry out enforcement service over the following three (3) months until the Minister renders a decision on the appointment of a new private enforcement agent or a replacer private enforcement agent.

4. Reasons for ceasing the function of private enforcement agent provided by paragraphs 1 and 2 of this Article shall appropriately apply for their replacers and deputies.

Article 377
Resignation

1. The private enforcement agent, at any time, may request to be relieved from his/her duty. The request shall be filed in writing to the Minister. The deadline for discharging him/her from the duty is three (3) months.

2. Following the expiry of the deadline under paragraph 1 of the present article, by which the duty of the private enforcement agent shall cease, the Minister does not set any other deadline. The Minister must take a decision before the expiry of the deadline provided under paragraph 1 of the present article.

Article 378
Dismissal of the private enforcement agent

1. The Minister with a decision shall dismiss the private enforcement agent if:

1.1. it is proven that he/she does not fulfill the conditions for appointment of private enforcement agent;

1.2. the private enforcement agent shall accept any function as described in article 323 and 324 of this Law;

1.3. the enforcement agent shall begin using the age pension;

1.4. the capacity to act of the private enforcement agent is taken or limited by a court decision;

1.5. the private enforcement agent permanently loses the capacity to perform the function;

1.6. the private enforcement agent is imposed a disciplinary measure of taking his/her authorizations for enforcement of enforcement and security of applications;

1.7. if the private enforcement agent is convicted of criminal offence with the final verdict and sentenced to at least six (6) months imprisonment, which makes him unworthy to perform the function of enforcement agent.

2. The Chamber of private enforcement agents shall inform the Minister immediately after having learnt of the reasons for the dismissal of the private enforcement agent from paragraph 1 of this Article.

Article 379
Decision on dismissal

1. The decision for dismissal of the private enforcement agent shall be issued by the Minister. The decision of the Minister dismissing the private enforcement agent shall assign the replacer of the private enforcement agent.

2. The decision on ceasing the function of a private enforcement agent and the decision on dismissing a private enforcement agent cannot be appealed against in the administrative procedure – only administrative conflict may be initiated against such decisions.

TITLE X

THE KOSOVAR CHAMBER OF PRIVATE ENFORCEMENT AGENTS

Article 380
Organization of the Chamber of private enforcement agents

1. The Chamber of enforcement agents of Kosovo (hereinafter: the Chamber) is a professional association joining all private enforcement agent.

2. The seat of the Chamber shall be in Pristina.

3. The Chamber has the status of a legal person and conducts business as a non- profit organization.

Article 381
Representation

The Chamber shall be represented by the President and when he is absent – by his deputies in terms of seniority of legal experience.

Article 382
Authorizations of the Chamber

1. The Chamber:

1.1. preserves the prestige, dignity and the rights of profession of private enforcement agent;

1.2. issues the statute, Code of Ethics of the private enforcement agent and other acts in line with the law and Statute of the Chamber;

1.3. represents the private enforcement agents to public institutions for the purpose of protecting the rights and interests of the profession;

1.4. takes care that the private enforcement agents act with conscience and in accordance with the law;

1.5. takes care of the professional advancement of private enforcement agents through organizing professional meetings, seminars and professional workshops on enforcement;

1.6. establishes and maintains the cooperation with Chambers of private enforcement agents of other countries, and

1.7 performs other duties as provided by the law and statute of the Chamber.

Article 383
Statute and general acts

1. The Chamber statute and other bylaws govern the organization and operation of the Chamber, as well as its bodies, their composition and their appointment procedures.

2. Minister shall provide the consent over the Statute and other general acts of the Chamber.

Article 384
Bodies of the Chamber

The bodies of the Chamber are: Assembly of the Chamber, Executive Board, Control Council and President of the Chamber.

Article 385
Assembly

1. The Assembly of the Chamber, shall be composed of all private enforcement agents and deputy private enforcement agents registered in the registry of the Ministry.

2. The Assembly of the Chamber shall be competent for:

2.1. issuance of the statute of the Chamber, rules of procedure of private enforcement agents and other general acts of the Chamber;

2.2. selection of members of Executive Board of the Chamber and other members of other bodies of the Chamber;

2.3. deciding on the amount of membership fee and manner of its payment;

2.4. deciding on other issues provided for by the present law and Statute of the Chamber.

Article 386
Meeting of the Chamber's Assembly

1. Extraordinary meetings of the Assembly shall be convened in cases foreseen by the Statute of the Chamber.

2. Public works and other issues important for the work of the Chamber Assembly shall be regulated by the Statute of the Chamber.

Article 387
The executive board

1. The Executive Board shall have the powers to:

1.1. select the President of the executive board among its members;

1.2. proposes the draft statute and other general acts of the Chamber;

1.3. prepare sessions and implements decisions of the Assembly of the Chamber;

1.4. takes care of the business of the Chamber;

1.5. decides on other issues in accordance with this law and statute of the Chamber.

2. Every year the board shall draw up a report of its activities for the Assembly of the Chamber. It shall forward the report to the Minister no later than March 31 of each year.

3. Every year the Board shall draw up an account for its financial policy as well as a budget for the coming financial year, with explanatory notes and shall send those documents to the Assembly for approval.

Article 388
Composition of the Executive Board

1. The Executive Board of the Chamber shall consist of an odd number of at least seven (7) members.
2. The composition of the board shall as much as possible reflect the ratio within the assembly between enforcement agents and deputy enforcement agents.

3. The chairman and his deputy shall be private enforcement agents.

4. The members shall be appointed for a three (3) year' term and shall upon resignation be eligible for re-appointment once for the same period.

Article 389
President

1. The President of Chamber shall present and represent the Chamber. President of the executive board shall be the President of the Chamber.

2. The President of Chamber shall have the powers to:

2.1. see that the principles of conscientious performance of private enforcement agent's duties are complied with;

2.2. takes care that the Chamber works and conducts business in accordance with the law;

2.3. implements the decisions of the body of the Chamber when it is provided for by the statute of the chamber;

2.4. appoints the personnel of the Chamber; and

2.5. performs other work as provided for by the Statute of the Chamber.

3. The president of the Chamber shall in this capacity be entrusted with the chair of the assembly.

Article 390
Control of the Council

1. The Control of the Council has three (3) members, with a mandate of three (3) years.

2. The Control of the Council conducts the control of the legality of the work and financial business of the chamber.

3. The Control of the Council shall account for its activity before the Assembly of the Chamber.

4. When the Control of the Council finds violations of the statute, the bylaws or of the decisions of the Assembly of the Chamber it shall prepare a report and introduce it to the Executive Board, respectively, to the Assembly of the Chamber.

Article 391
Property

1. The property of the Chamber shall consist of:

1.1. the obligatory initial, annual and supplementary contributions of its members;

1.2. service fees;

1.3. donations and testaments;

1.4. other sources.

Article 392
Annual and supplementary contributions to the Chamber

1. The Chamber shall bear all costs arising from the enforcement of the duties entrusted to it by the present Law. To cover those costs it may charge its members annual dues.

2. At the proposal of the Executive Board the Assembly shall determine the size of the dues for the financial year. The amount may be different for different categories of members.

3. The enforcement agent shall make the required payments to the Chamber following the terms and conditions specified in the bylaws of the Chamber and in compliance with the resolutions of the Assembly of the Chamber.

Article 393
Bylaws issued by the Chamber

1. Bylaws shall be adopted only with regard to subjects that pursuant to this Law must be (further) regulated by bylaw.

2. Bylaws shall not contain any obligations or requirements that are not strictly necessary to accomplish the objective envisaged by the byelaw.

3. Proposals for bylaws shall be put forward to the Assembly of the Chamber by the Executive Board.

4. The bylaws of the Chamber shall be binding only on its members and its bodies.

5. A bylaw may grant power to the Executive Board to lay down more detailed rules concerning the subject dealt with in the bylaw.

Article 394
Procedure

The proposal for a bylaw plus explanatory notes shall be notified to the members of the Chamber at least two (2) months prior to the date on which it will be discussed by the Assembly of the Chamber.

Article 395
Approval by the Minister

1. A bylaw shall require the approval of the Minister. The approval may be withheld if the proposal is contrary to the law or public interest.

2. After it has been approved the Executive Board shall arrange that the bylaw will become known by publication in the Official Gazette. The bylaw shall become binding only after publication. It will become operational with effect one (1) month after the publication or earlier as the board determines, on the understanding that at least ten (10) days must expire between the date of publication and the effective date.

Article 396
Exams

1. The content of the examination for the private enforcement agent shall be closely defined with regulation passed by the Minister of Justice, and shall ensure the knowledge of the private enforcement agents on all matters of public and private law and court procedure of relevance to their professional activities.

2. The examination shall be publicly announced at least one (1) month prior to its administration, and all members of the public shall be invited to participate.

3. The candidate who takes the examination for private enforcement agent shall compensate the expenses for taking the examination.
4. The Minister of Justice determines the amount of the realistic expenses for taking the examination, including the amount necessary for preparing and administering the written part of the examination, preparation and delivery of materials and invitations, preparation of certificates and compensation of the work of the members and the secretary of the examining committee.

5. If the expenses are not paid at the appropriate account of the Ministry of Justice prior to fifteen (15) days before the day schedule for the start of the examining session, the candidates will not be allowed to take the examination. If the candidate within one (1) year from the day of the payment of the examination cost has not taken the exam, the payment shall be returned to the candidate.

6. The Minister shall appoint to positions as agents the candidates with the highest scores on the examination, unless there is some specific disability among the criteria for appointment identified in this Law that renders their appointment inappropriate. The Minister shall inform candidates of the scores achieved on the examination and shall inform unsuccessful candidates of the specific reason for their non-appointment.

7. The Minister shall announce the appointments within one (1) month of the administration of the examination.

TITLE XI

TRANSITIONAL AND FINAL PROVISIONS

Article 397
Pending cases prior 1 January 2014

1. The pending cases instituted before coming into force of the present Law shall be completed in accordance with the provisions of this Law.

2. Cases filed prior to 1 January 2014 shall remain under the jurisdiction of the Court unless the creditor-enforcement proposer files a petition for transferring the case to the specific private enforcement agent.

3. In every case in which enforcement proceedings are pending on 1 January 2014, and in which the enforcement creditor has requested that the case be resumed with a specific private enforcement agent under paragraph 2 of this Article, the court shall complete all documents related to the enforcement case, specify the expenses charged by the court, and make a conclusion for delivering the enforcement case to the enforcement agent. The court shall forward the case to the private enforcement agent chosen by the creditor within eight (8) days after receiving such request.

4. The enforcement actions undertaken by the court are legally valid as if they were undertaken by the private enforcement agent who continues the enforcement. After the private enforcement agent receives the case, he shall notify the debtor that the enforcement initiated before the court continues with the private enforcement agent.

5. Competencies to assign and decide on enforcement according to the provisions of this law, from entry into force on 1 January 2014, until 30 June 2014, shall be held by the courts and private enforcement agents, depending on place of filing the enforcement proposal.

Article 398
Procedures pending on 31 December 2013

1. Enforcement proceedings against which objection or an appeal was filed prior 1 January 2014, shall be transferred to the court with jurisdiction to decide on those remedies in accordance with this Law.

2. The competent court shall, in considering the remedy, make its decision on the basis of the provisions of this Law.

Article 399
Bylaws

1. Within six (6) months from the day of entry into legal force of this Law, the Minister of Justice shall pass a bylaw regulating tariffs for enforcement agents. Debtors shall be required to compensate creditors for the expenses of enforcement as defined by the tariff.

2. Within the time limit of four (4) months from the day of entry into legal force of this Law, the Minister shall:

2.1. pass a bylaw defining the procedures and the means of the exams for private enforcement agents.

2.2. a Regulation on the business plan as provided in article 318 paragraph 2 of this law;

2.3. a bylaw that defines closely the shape and the manner of keeping records of the enforcement agents;

2.4. a regulation that will define the shape and the content of the orders, minutes and other acts that are passed by the enforcement agent during the undertaking of the formal actions;

2.5. issue a bylaw defining modes of inspection and control of private enforcement agents by the Ministry and chamber of enforcement agents. The shape, content and the means of issuing and suspension of the enforcement agent's ID card shall also be defined with this bylaw.

3. Within four (4) months from the day of entry into legal force of this Law, the Minister shall determine with a decision the number of private enforcement agents in the territory of each Basic Court in the Republic of Kosovo based on the Official Census and the terms of Article 327 of this Law.

Article 400

Organization of exams

1. The Ministry of Justice shall organize the sitting of an enforcement exam within five (5) months from the entry into force of the present law.

2. Pursuant to bylaws on the professional enforcement examination, the Ministry of Justice shall organize the first professional enforcement examination and shall appoint the first enforcement agents within six (6) months from the entry into force of the present law.

Article 401
Establishment of the Chamber

1. The Minister for the first-appointed enforcement agents, until the establishment of the Chamber, shall determine, with a decision, the day when the private enforcement agent shall start operating.

2. The Chamber shall be established when at least twenty (20) enforcement agents are appointed and commence their work.

3. Until the establishment of the Chamber, the Minister shall perform all the competencies of the chamber.

4. Until such time as the Chamber of Enforcement Agents has come into existence and enforcement agents are appointed, the requirement of paragraph 4.3 of Article 328 of this Law shall be suspended. Instead of such requirements, two (2) members of the Commission on the Examination of Candidates shall be two (2) civil judges proposed by the Kosovo Judicial Council and appointed by the Minister of Justice

5. The Minister of Justice shall within one hundred and twenty (120) days from the entry into legal force of the present law shall issue temporary bylaws which are provided for by the present law to be issued by the Chamber, which apply until the issuance of respective bylaws by the Chamber.

6. The constituting assembly of the Chamber shall be convened and chaired by the oldest private enforcement agent.

Article 402
Entry into force

1. Articles from 323 through 396 of this Law shall enter into force and shall be applied fifteen (15) days after publication in the Official Gazette.

2. Other provisions of this law shall enter into force on 1 January 2014.

3. On the effective date hereof, the Law on Executive Procedure of 2008 No 03-L-008 and the Law on Executive Procedure “Official Gazette of SFRY", no. 20/1978 shall cease to be valid.

Law No. 04/L-139
20 December 2012

Promulgated by Decree No. DL-001-2013, dated 03.01.2013, President of the Republic of Kosovo Atifete Jahjaga