Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-006

ON CONTESTED PROCEDURE

Assembly of Republic of Kosovo,

Based on Article point (1) of Constitution of Republic of Kosovo,

With the aim to create legal provisions for resolving disputes from legal-civil relations of the natural and legal persons from the civil courts, as well

With the aim for building up a legal system for resolving civil disputes in conformity with international standards.

Approves:

L AW ON CONTESTED PROCEDURE

P A R T O N E

BASIC PROVISIONS

CHAPTER I

Article l

By the law on contested procedure are determined the rules of procedure through which courts examine and settle civil justice disputes of physical and legal persons, unless otherwise provided for by a particular law.

Article 2

2.1 The court of the contentious procedure decides within limits of claims submitted by the litigants.

2.2 The court applies the rules set by the substantive law as it deems appropriate and is not obliged to claims of litigants concerning the substantive law.

2.3 The court shall not reject examination and settlement of claims under its jurisdiction.

2.4 The litigant should have juridical interest for the claim and other procedural actions that may be taken in the procedure.

Article 3

3.1 Civil and legal claims submitted during the procedure shall be available to litigants.

3.2 Parties may withdraw from their claims, recognize the claim of the contesting party and come to a court settlement regarding their contest.

3.3 The court may not approve the agreement of contesting parties that are in contradiction with the:

a) legal system;

b) legal provisions;

c) rules of public morale;

Article 4

4.1 The court may decide regarding the claim after reviewing the legal matter in direct and public session.

4.2 Differently from the provision of paragraph 1 of this article, the court may decide regarding the claim based on written procedural actions and evidences administered that was submitted indirectly, if determined by the law.

4.3 The court may examine the matter in non public session only for the cases set by the law.

Article 5

5.1 The court shall enable each party to make a statement on the claims and allegations submitted by the contentious party.

5.2 Only for the cases determined by this law, the court has the power to settle the claim for which the contentious party was not enabled to make a statement.

Article 6

6.1 The contentious procedure proceeds in any of the official languages of the court.

6.2 The parties and other participants in the procedure that do not understand or speak the official language of the court shall have the right to speak his or her language or the language that he or she understands.

Article 7

7.1 Parties shall present all the facts on which they base their claim and propose evidence which establishes such facts.

7.2 The court is authorized to verify also the facts not submitted by the parties as well as evidence which was not proposed by the parties, only if it results from the examination that parties are making a claim which are not available to them (provided in Article 3, paragraph 3 of this law), unless otherwise provided for by law.

7.3 The court shall not base its decision on the fact and evidence for which parties could not make statements for.

Article 8

8.1 The court shall decide on eligibility of the evidence truthfully and cautiously as well as based on the results of the entire proceeding.

8.2 The court shall examine each evidence individually and collectively.

Article 9

The litigants, intercessors and their representatives are obliged to say the truth in front of the court and truthfully utilize the rights recognized by this law.

Article 10

10.1 The court shall be bound to carry out proceedings without delay and minimize costs as well as to make impossible any misuse of the procedural rights set for the parties according to this law.

10.2 If litigants, intercessors, legal representatives or with their prosecutors, deliberately make damage to the others or with the aim which is in contradiction with the positive habits, trust and conscious, misuse the rights recognized by this law, the court may issue monetary fines or apply other legal measures.

10.3 If litigants, intercessors, legal representatives or authorized representatives continuously misuse the court orders, fail to offer information under the mandate in this or any other law in force, or fails to attend respective sessions, with the aim of delaying the proceeding of a case, the court may issue monetary fines or apply other measures provided for by this law.

Article 11

11.1 The party not represented by a lawyer may receive instructions on procedural actions that re available from the court, each time that it is ascertained that the party is not aware that it can utilize the procedural rights set by this law.

11.2 The court should instruct the party being represented by a lawyer on procedural actions, when considers that representative is not performing his/her duty in a professional manner.

Article 12

12.1 The first instance procedure is composed of two court sessions:

a) preliminary hearing;

b) principle process.

Article 13

13.1 If the courts decision is dependent on the preliminary settlement of the issue regarding existence of a subjective right or legal relation on which the court or any other competent body has not made a decision (preliminary issue), than the court has the power to settle such an issue itself, unless is not determined differently by special provisions.

13.2 The decision of the court on the preliminary issue has legal effect only for the proceeding for which such a settlement has been issued.

Article 14

In the contentious procedure, regarding the existence of criminal act and criminal responsibility, the court is bound to the effective judgment of the criminal court by which the defendant has been found guilty.

Article 15

15.1 Individual judge acts in the procedure of the first instance or for its retry.

15.2 The trial panel of judges acts in the procedure of the second instance and its retry.

15.3 A trial panel of three judges determines the territorial jurisdiction and settling of the dispute.

Article 16

If the form of procedural actions is not determined by law, the litigants complete these extra-judicially in writing or verbally in the court session.

CHAPTER II

COURT JURISDICTION

1. General Provisions

Article 17

17.1 Immediately after receiving the law-suit, the court, by its official duty, shall determine whether it has the jurisdiction to proceed with the suit.

17.2 The decision over jurisdiction is based on the statements of the law-suit and facts that are known to the court.

17.3 If circumstances on which the jurisdiction of the court was based change during the proceeding, the court which had the jurisdiction at the time of submission of the claim remains competent despite the fact that such changes make competent a different court of similar type.

Article 18

18.1 The court, by its official duty, during the entire procedure safeguards whether the settlement of dispute is within the court jurisdiction or not.

18.2 If the court during the proceeding determines that jurisdiction over settling of the dispute is with a different state body and not with the court, it is announced its incompetence, all the procedural actions are declared invalid and the claim is dropped.

18.3 If the court during all stages of proceeding determines that the local court is not competent, it will be declared incompetent, all the proceeding will be nullified and the claim will be dropped. However, such an action will not be taken if the jurisdiction of the court is dependent on the approval of the defendant and the defendant has already given his or her permission.

Article 19

Each court considers its competence during all stages of the first instance.

Article 20

20.1 If litigant parties have contracted an arbitrage to settle the dispute, the court, to which has been submitted the claim which includes the same contentious parties, based on the objection of the defendant shall be declared incompetent, all the proceedings shall be nullified and the claim dropped. The court shall not act in this manner if it determines that the arbitrage contract is not valid, the validity is terminated or it can not be implemented.

20.2 Objection from section 1 of this article, the defendant may submit by responding to the claim.

Article 21

21.1 Until the decision on the main issue is rendered, the court through a written resolution may complete the contentious procedure if it determines that it should be proceeded according to the rules of the non-contentious procedure. Following the effective written resolution, it shall be proceeded at the competent court according to the rules of the non-contentious procedure.

21.2 Proceedings by the contentious court (direct examination, expertise, examination of witnesses, etc.) and the decision rendered by this court shall not be deemed as invalid only because it was proceeded according to the contentious procedure and shall not be retried.

Article 22

22.1 The lack of territorial jurisdiction of the court may be declared only after the defendant has objected by responding to the claim.

22.2 The court decides on the objection from paragraph 1 of this article in the preliminary hearing at latest or at the first session of the principle process if the preliminary process has not taken place.

22.3 The lack of territorial jurisdiction of the court may be declared only in existence of existence of territorial jurisdiction of a different court but before there is a response to the filed claim.

Article 23

23.1 Following the effective resolution on the incompetence (Article 20 and 22 of this law) the court, without delay, and within three days, will submit the case to the court, which according to its opinion, is competent.

23.2 The court which has received the case will process with the legal matter as if the proceeding had started with it.

23.3 Proceedings undertaken by the incompetent court (examination, expertise, witness hearing, etc.) shall not be considered invalid only because of proceedings by an incompetent court and therefore there is no need for retry.

Article 24

24.1 If the court that has received the case considers the court that has sent the case, or any other court, to be competent, then, the case will be sent to the court that is competent to settle the dispute over competence within three days. The court which has received the case will not act in this manner only when it determines that there was an open mistake, that it should have been sent to a different court, and in this circumstance will send the case to the other court and inform the sending court that initially send the case.

24.2 If the decision on the appeal against the decision on incompetence of the court of first instance is rendered by the court of the second instance, then this decision applies also to the court to which the matter has been sent if the court of the second instance, that made the decision on the appeal, is competent to settle jurisdiction dispute between these two courts.

24.3 The decision of the second instance court on the incompetence of the first instance court over the case obliges the other court to which the same case is sent if the second instance court is competent to settle the dispute over jurisdiction between these two courts.

Article 25

25.1 The jurisdiction dispute between two courts of the same level is settled by a court that is of higher instance and common for the courts in dispute.

25.2 The jurisdiction dispute between courts of different instances is settled by the Supreme Court of Kosovo.

Article 26

26.1 It may be decided about the jurisdiction even if the parties have not declared about the jurisdiction.

26.2 Until the jurisdiction dispute is settled, the court which has received the case shall proceed with those actions which could be damaged by the delay.

26.3 The appeal against the decision which settles the jurisdiction dispute shall not be permitted.

Article 27

Each court undertakes procedural actions within the territory of jurisdiction, however, for justified reasons, it may undertake certain actions in the territory of a different court. The court, in the territory of which the action is undertaken, shall be notified.

2. Jurisdiction of courts in the international disputes

Article 28

28.1 The rules of international law apply regarding the competence of our courts for settlement of disputes of foreign citizens that enjoy immunity, foreign countries and international organizations.

28.2 The local court is competent to settle a dispute when its competence to settle a dispute which includes international elements is expressly determined by law or international contract.

28.3 If by our law or international contract there are no decisive provisions for competence of court for a certain type of disputes, the local court is competent to proceed for such disputes even when its competence derives from the provisions of this law on territorial jurisdiction of the local court.

3. Competency over matters

Article 29

The courts in the contentious procedure adjudicate within limits of its competence over the matter as set by the law.

4. Determination of the value of the disputable facility

Article 30

30.1 The claimant is obliged, in the legal disputes over property, to determine the value of the disputed facility. Only the value of the disputed facility included in the main claim is taken into consideration.

30.2 If not included in the main claim, the interest, procedural expenditure, contracted penalties and other claims are not taken into consideration.

Article 31

If the claim is over future profits that are repeated, the value of the disputed facility is calculated according to the total amount of profits but not more than the total of profits for the period longer than five years.

Article 32

32.1 If the claim against the defendant includes several claims that have a same factual and legal basis, the value of the disputed facility is set by summing the values of all claims.

32.1 If the demands in the claim are with several bases or against several defendants, the value of the disputed facility is determined according to the amount of each individual claim.

Article 33

If the dispute is related to a daily-pay or lease or use of residence or working space, the value of the dispute is calculated based on the annual amount of the daily-pay or lease, except when the daily-pay or lease relation is for a shorter contracted period.

Article 34

If the claim demands only establishment of the right for any claim or the right for mortgage, the value of the disputed facility is determined according to the amount of the demand that need to be established.

Article 35

35.1 If the claim is not related to a monetary value but the claimant in his or her claim stresses that it accepts to receive a certain monetary amount instead of fulfillment of the claim, then this value is determined as the value of the disputed object.

35.2 In other cases where the claim is not monetary related, the decisive amount shall be the amount that was set by the claimant in his or her claim.

Article 36

If the claimant did not specify the value of the disputed facility in the claim filed to the court, or the amount is much higher or lower than the actual value, the court shall, according to its official duty or objections of the defendant, at the preliminary hearing at latest, or if there was no preliminary hearing held, at the principal hearing session of the legal matter but before the start of the principal proceeding, promptly and appropriately determine or verify accurately the value claimed by the claimant. In such a case, the decision of the court is not subject to appeal.

5. Territorial Jurisdiction

The General Territorial Jurisdiction

Article 37

37.1 If the law does not determine exclusive territorial jurisdiction to any other court, the court of general jurisdiction for the defendant shall be competent for adjudication.

37.2 In cases determined by this law, the proceeding shall be undertaken by other specific courts apart from the general territorial jurisdiction court.

Article 38

38.1 The claim may be filed with the court of general territorial jurisdiction within whose territory the defendant has a permanent residence.

38.2 If the defendant has no permanent residence, the general territorial jurisdiction is vested in the court within whose territory the defendant has a temporary residence.

38.3 If the defendant apart from his or her permanent residence has a temporary residence in some other place and it is considered that due to circumstances he or she will stay for a longer period, the general territorial jurisdiction is also vested in the court within whose the defendant has a temporary residence.

Article 39

39.1 In the adjudication of disputes against Kosovo, a self-governing unit or any other territorial organization, the general territorial jurisdiction is vested in the court within whose territory is the headquarters of its assembly.

39.2 In the adjudication of the disputes against other legal persons, the general territorial jurisdiction is vested in the court within whose territory their headquarters is registered.

Article 40

The court within whose territory the citizen of Kosovo with a overseas permanent residence has his or her last residence in Kosovo has the general territorial jurisdiction to adjudicate the disputes against such a person.

a) The special territorial jurisdiction

b.1. Exclusive territorial jurisdiction

Jurisdiction over the immovable property disputes

Article 41

41.1 The court within whose territory is located the immovable property is exclusively competent to adjudicate the disputes that are related to the property and other property rights, disputes over obstruction to possession of immovable item, disputes over the lease of the immovable property or contracts for use of residence and working premises.

41.2 If the immovable property is located in the territory of several courts, each of these courts is competent to proceed with the matter.

Competency in the disputes related to an aircraft

Article 42

42.1 If the right to conduct proceedings of property or other material rights dispute over aircraft and the disputes resulting from lease agreement for the aircraft is with the court in Kosovo, the court within whose territory the aircraft is registered has the exclusive territorial jurisdiction.

42.2 If according to the paragraph 1 of this article the court in Kosovo is competent for the dispute that results from obstruction to possession of an aircraft, the territorial jurisdiction is with the court in whose territory the aircraft is registered but also with the court in whose territory the obstruction has occurred.

Jurisdiction for closing and bankruptcy disputes

Article 43

The proceeding of the disputes that arise during and related to procedure of the finalization of judicial and administrative proceeding or during and related to procedure of bankruptcy, the territorial jurisdiction is with court in whose territory the bankruptcy procedure or the administrative finalization is taking place.

b.2. Selected territorial jurisdiction

Jurisdiction on matrimonial disputes

Article 44

Apart from the court with general territorial jurisdiction, the court in whose territory spouses had their joint residence is competent to adjudicate disputes about existence or inexistence of marriage, nullification or its resolution.

Competencies over disputes for confirmation or denial of paternity or maternity

Article 45

In the cases of disputes related to confirmation or denial of paternity or maternity, the child may file the suit either in the court with general territorial jurisdiction or in the court in whose territory he or she has a permanent or temporary residence.

Competencies over disputes for legal nutrition

Article 46

In the settlement of disputes related to alimentation, if the claimant is the person demanding alimentation, the competency is with the court of general territorial jurisdiction, and the court in whose territory the claimant has a permanent or temporary residence.

Competencies over disputes for re-compensation of damage

Article 47

47.1 In the adjudication of disputes related to non-contractual responsibility for the damage, the competency, apart from the court with general territorial jurisdiction, is also with the court in whose territory it was committed the act of damage or the court in whose territory the consequence from the damage has appeared.

47.2 If the damage is caused due to death or severe body injury, the competency, apart from the court from the paragraph 1 of this article, is also with the court in whose territory the claimant has a permanent or temporary residence.

47.3 The provisions from paragraph 1 and 2 of this article may be applied also in the law-suits against insurance associations for compensation of damage to third persons according to provision on their direct responsibility while paragraph 1 of this article also applies for the disputes over compensation with the debtors of compensation.

Competencies in the disputes related to protection of the rights from the producers warranty

Article 48

In the adjudication of disputes related to protection of the rights that are based on the warranty issued by the producer, apart from the court with general territorial jurisdiction for the defendant, it is also competent the court with general territorial jurisdiction for the seller, who, when selling the product has also provided the buyer with the warranty from the producer.

Competencies in labour relationship disputes

Article 49

If the employee is the claimant on the labour relations dispute, apart from the court with general jurisdiction over the defendant, it is also competent the court in whose territory the labour has or should have taken place, and the court in whose territory is established the labour relationship.

Competency according to the place of payment

Article 50

In the adjudication of the disputes of the possessor of the bill of exchange or cheque, apart from the court with general territorial jurisdiction is also competent the court in whose territory the payment has taken place.

Competency according to location of the legal persons unit

Article 51

In the adjudication of the matter of dispute against a legal person whose unit is not within the territory of its headquarter, and if the dispute results from the legal relationship of the unit of the legal person, apart from the court with general territorial jurisdiction, it is also competent the court in whose territory the unit of the legal person is located.

Competencies over disputes related to obstruction to possession of a movable property

Article 52

Apart from the court with general territorial jurisdiction, also the court in which obstruction has taken place is competent for settlement of disputes resulting from obstruction to possession of moveable property.

Competency in the disputes from contracting relationship

Article 53

In the disputes whose settlement requires verification of existence or inexistence of the contract, meeting the requirements or resolution of the contract, and in the disputes for compensation of the damage caused by not meeting the requirements of the contract, apart from the court with a general territorial jurisdiction is also competent the court in whose territory the defendant is obliged to meet the requirements of the contract.

Competencies in the disputes related to relations resulting from inheritance by law

Article 54

Until there is no effective decision on the succession procedure, for the adjudication of the disputes related to relations resulting from inheritance by law, and the settlement of claims of the creditors towards the testator, apart from the court of the general territorial jurisdiction, is also competent the court in whose territory is located the court which is settling the succession procedure.

c). Accessory territorial competence

Jurisdiction over litigants

Article 55

If on law-suit is filed against several persons (Article 265. paragraph l), and there is more than one territorial jurisdiction, it is competent the court with territorial jurisdiction over one of the defendants, and if there is principle and accessory defendant, then it is competent one of the court with jurisdiction over one of the principle defendants.

Competencies in matrimonial disputes

Article 56

If the court of our country is competent for matrimonial disputes due to the fact that the last joint residence of spouses was in Kosovo, or the defendant has a residence in Kosovo, the court in whose territory spouses had their last joint residence is competent, or the court in whose territory is the residence of the defendant.

Competencies in legal estate relationship of spouses

Article 57

If the court of our country is competent for the disputes related to legal estate relationship of spouses due to the fact that the last joint residence of spouses is in Kosovo or because the claimant has a permanent or temporary residence in Kosovo at the time when the claim is filed, the court in whose territory the claimant has a permanent or temporary residence has the territorial competence.

Competencies in the disputes related to verification or denial of maternity or paternity

Article 58

If the court of our country is competent for verification of maternity or paternity due to the fact that the claimant has a residence in Kosovo, the court in whose territory the claimant has a residence has the territorial competence.

Competencies in disputes related to legal nutrition

Article 59

59.1 If in international disputes related to legal nutrition, the court of our country is competent due to the fact that the claimant has a residence in Kosovo, the court in whose territory the claimant has the residence has the territorial competence.

59.1 If the competence of the court of our country is established due to the fact that the claimant has assets through which can be realized the legal nutrition, the court in whose territory are situated the assets of the defendant has the territorial competence.

Competencies over persons for whom there is no court with territorial competence in Kosovo

Article 60

60.1 The legal estate claim against the person for whom there is no court with territorial competence in our country may be filed to each court in whose territory is situated any estate or asset that is claimed.

60.2 If a court of our country has a competence due to the fact that the obligation is created during the time of residence in Kosovo of the defendant, the court in whose territory is created obligation that is claimed has the territorial competence.

60.3 In the claim against the person for whom there is no court with territorial competence in Kosovo is on obligations which need to be met in our country, the claim shall be filed in the territory where such obligation needs to be fulfilled.

Competency according to the location of the representation office of the foreign person in Kosovo

Article 61

The disputes with the physical or legal person with a residence or headquarters out of our country regarding the obligations created in Kosovo or that need to be fulfilled in Kosovo, the claim may be filed at the court in whose territory is situated his or her permanent representative office for Kosovo or the headquarters of the body trusted to execute such duties.

6. Determination of the territorial competence for the claims against foreign citizens

Article 62

If in the foreign country can be filed a suit against our person in the court which according to the provisions of this law lacks territorial competence, then for the same civil and legal matters the same competence is valid for the citizen of such state in our courts.

7. Determination of the territorial competence by the court of a higher level

Article 63

If the competent court can not proceed due to disqualification of judges or any other reason, then it will inform the court of a higher level to designate one of the courts with subject matter jurisdiction to conduct proceedings.

Article 64

The Supreme Court may, by the proposal from the competent party or court, designate one of the courts with subject matter jurisdiction to act on the matter if it is certain that this helps the procedure or for other important reasons.

Article 65

If a court of our country is competent to settle the matter but provisions of this law can not determine the court with territorial jurisdiction, then the Supreme Court shall, according to the proposal by the party that intends to file the claim, determine the court with territorial jurisdiction.

8. Agreement on territorial jurisdiction

Article 66

66.1 If the law does not determine the exclusive territorial jurisdiction of the court on the subject matter, parties may agree for the court with lack of territorial jurisdiction to proceed with first instance adjudication subject to courts jurisdiction on the subject matter.

66.2 If the law determines that two or more courts have territorial jurisdiction for settlement of subject matter, parties may agree for one of the courts with jurisdiction on subject matter to proceed with adjudication of first instance.

66.3 The agreement from paragraph 2 of this article is valid only if put into written and signed by both parties and if it applies to the actual dispute or to several disputes that are related to a same legal and material relation.

66.4 The claimant shall attach the agreement document to the claim.

66.5 If the claim is not submitted to the agreed court, the defendant may ask for the claim to be sent to the contracted court.

66.6 The request from paragraph 5 of this article may be submitted by the defendant as a response to the claim and by attaching to it the document that contains the agreement on territorial jurisdiction.

CHAPTER III

EXCLUSION OF THE JUDGE FROM THE CASE

Article 67

67.1 A judge may be excluded from the legal matter:

a) if he or she is itself a party, a legal representative or authorized representative or is a co-creditor or co-debtor or obliged for repay or if in the same issue he or she has been examined as a witness or as an expert;

b) if he or she is the spouse, the extramarital partner, a relation by blood in a direct line to any degree or in a collateral line to the fourth degree or a relation by marriage to the second degree to the defendant, or his or her legal representative or authorized representative;

c) if he or she is a legal guardian, ward, adopted child, adoptive parent, foster parent or foster child of the defendant, or his or her legal representative or authorized representative;
d) if in the same case he or she has taken part in rendering a decision of a lower court or any other body or has taken part in mediation procedure;

e) if he or she has taken part in a matter for which was made a judicial settlement, and the claim that has been filed requests annulment of such a settlement;

f) if he or she is a shareholder or a member of the commercial association which is a party in the initiated procedure;

g) if there are other circumstances that challenge his or her impartiality.

Article 68

68.1 A party shall be bound to request disqualification of a judge as soon as he or she learns of the existence of grounds for disqualification and no later than before the conclusion of the main procedure and if there was no procedure until the moment the appropriate decision is made.

68.2 The party in the appeal procedure may determine the judge that can not take part in the decision due to circumstances of the article 67 of this law.

68.3 A party may seek disqualification only of a judge who acts in a case or of the president of the court who is to decide on the request for disqualification of the judge, if he or she is identified by name.

68.4 The party shall be bound to state in the appeal the circumstances supporting his or her allegation that there are legal grounds for disqualification of a judge.

Article 69

69.1 The request for exclusion of a judge is not approved:

a) if it is requested exclusion of all of the court judges that may adjudicate a certain dispute;

b) if there was already a decision on the request made earlier;

c) if there are not stated grounds on which the exclusion is requested.

69.2 The request from the paragraph 1 is turned down by the judge that is proceeding with the matter.

69.3 The decision from paragraph 2 can not be appealed by a special appeal.

Article 70

70.1 The president of the court shall decide on petition for disqualification of the judge.

70.2 If the party requests disqualification of the president of the court from rendering the decision on his or her petition, the decision on exclusion is rendered by the president of a superior court.

70.3 The general session of the Supreme Court of Kosovo shall decide on a petition for the disqualification of the president of the Supreme Court of Kosovo.

70.4 Before rendering a ruling on disqualification, the judge, the judge shall make a statement, and shall be made also other examinations if deemed necessary.

70.5 Against the decision which the request on exclusion of judge is approved, plaint is not allowed, whereas against the decision which such request is refused, is not allowed special complaint.

Article 71

71.1 When a judge learns that a petition has been filed for his or her disqualification, or as soon as has learned that any of the conditions for disqualification according to the

article 67 exist, he or she shall be obliged to suspend with the proceeding and must immediately inform the president of the court

71.2 Exclusion from paragraph 1 of this Article, when the petition for exclusion is based in Article 67 point g, the judge notifies the president of the court and may continue with the proceeding of the petition on the exclusion, only on such mattered that are endangered of postponement.

71.3 The president of the court, if his exclusion is required, then he or she appoints his or her replacement from the rank of the judges of the subject matter, and if this is not possible, then he or she acts according to the article 63 of this law.

Article 72

72.1 Provisions of this law on exclusion of judges may be applied appropriately also for the court clerks.

72.2 The judge of the matter renders the decision for exclusion of the court clerk.

CHAPTER IV

PARTIES AND THEIR REPRESENTATIVES

Article 73

73.1 A party in the procedure may be any physical or legal person.

73.2 The special provisions determine who may, apart from physical and legal persons, be a party in the procedure.

73.3 The court may, exclusively, by a legal effect on the subject matter, recognize also those unions which do not have the capacity to be a party according to the paragraph 1 and 2 of this article, but if it is proved that taking into consideration the disputed facility in essence meet the essential conditions to gain the capacity of a party and especially if it is available to them the property on which the procedure can be executed.

73.4 No appeal shall be permitted against the ruling from the paragraph 3 of the present article by which is recognized the capacity of the party in the subject matter.

Article 74

74.1 The party who is able to act on its own may act without assistance from the authorized representative.

74.2 The adult with limited capabilities to act has procedural capacities within limits of its capability to act.

74.3 The minor who has not gained the complete capability to act has procedural capacities within the limits of his or her capability to act.

Article 75

75.1 The party who does not have the procedural capacity to act is represented by his or her legal representative.

75.2 The legal representative is determined by law or the act of the competent state body, as set by this law.

75.3 The representative of the legal person is determined by law or by the general act of the legal person.

Article 76

The court shall at all stages of the proceeding, by official duty, review whether the person that is presented as a party may be a party in the procedure and whether it has the procedural capabilities, and if the party that lacks procedural capabilities is represented by his or her legal representative as well as if the legal representative has the special authorization, when necessary.

Article 77

77.1 The legal representative may, on behalf of the party, conduct all the actions in the procedure but if the submission of the claim or its withdrawal or rendering of the judicial settlement or other actions according to the special provisions require a special authorization, he or she may conduct these actions only if he or she has the special authorization.

77.2 The person that presents himself or herself as a legal representative is bound, by the request from the court, to prove that he or she is a legal representative of the party. If certain procedural actions require special authorization, the legal representative is bound to prove such authorization.

77.3 The custodial body shall be informed when the court determines that the legal representative of the person under custody is not performing properly. If due to carelessness of the legal representative may be caused a damage to the person under custody, the court will stop with the proceedings and propose appointment of a new legal representative.

Article 78

78.1 If the court determines that the person presented as a party may not be a party in the procedure and this gap may be avoided, it will invite the claimant to make necessary correction to the claim or undertake other measures which enable continuation of the procedure with the person who may be a party in the procedure.

78.2 If the court determines that the party has no legal representative or the legal representative does not have the special authorization, if such is needed, it shall require from the competent custody body to appoint a custodian to the person who lacks procedural capabilities, and shall invite the legal representative to acquire the special authorization or may undertake other measures which enable a fair representation of the party who lacks procedural capabilities.

78.3 The court shall set a deadline to the party who needs to fulfill the deficiencies from paragraph 1 and 2 of the present article. Until the fulfillment takes place, it will be preceded only with those actions which delay may cause damage to the party.

78.4 If the deficiencies are not removable or the deadline set by the court is not met, the court renders a decision by which it abrogates the completed actions and turns down the claim if the deficiencies are of the nature that may hinder further proceeding of the matter.

78.5 No appealing shall be permitted against a ruling which orders measures for removal of deficiencies.

Article 79

79.1 If it is deemed that the regular procedure of the first instance requires too much time for appointment of the legal representative for the defendant, and that this may cause damaging consequences to one or both parties, the court shall appoint a temporary representative to the defendant.

79.2 Under the conditions of the paragraph 1 of the present article, the court shall appoint the temporary representative, especially for the following cases:

a) if the defendant does not have the procedural capability and has no legal representative;

b) if the claimant and his or her legal representative have opposite interests;

c) if both litigants have a same legal representative.

79.3 The court may appoint a temporary representative for the defendant also in the following circumstances:

a) if the residence of the defendant is unknown or the defendant has no authorized representative;

b) if the defendant or his or her legal representative that do not have an authorized representative are out of country and it was not able for the materials to be sent.

79.4 The court will inform, without delay, the custody body on the appointment of the temporary representative as well as the party when this is possible.

Article 80

The court may appoint the temporary representative also the legal person by applying adequately provision of article 79 of this law.

Article 8l

81.1 The court appoints the temporary representative from the ranks of lawyers or other professional persons.

81.2 In the circumstances of paragraph 2 of the article 79 of this law, the defendant is bound to pay the expenditure of the temporary representative while in the cases of paragraph 3 the expenses are covered by the claimant.

Article 82

82.1 The temporary representative has all the rights and responsibilities of the legal representative in the procedure.

82.2 The temporary representative exercises stated rights and responsibilities until the defendant or his or her authorized representative show in front the court, or when the custody body informs the court on the appointment of the custodian, respectively.

Article 83

If the temporary representative is appointed for the reasons stated in article 79, paragraph 3 point a) and b) of this law, the court within seven days will make announcement in the official gazette and bill it in the table of the subject court, or according to the need also in other appropriate ways.

Article 84

The procedural capability of the litigants is determined in our courts according to the legal provisions of our country.

CHAPTER V

AUTHORIZED REPRESENTATIVES

Article 85

85.1 Parties may conduct actions of the procedure either in person or through the authorized representative but the court may invite the party that has his or her representative at the court to make a statement in person on the facts that are to be verified.

85.2 The represented party may come to court at any time and make statements apart from his or her representative but only the representative shall examine the opposite party, witnesses and experts, if he or she is present at the court session.

Article 86

86.1 Authorized representative may be any person that has full capabilities to act.

86.2 Actions in procedure conducted by the representative of the party have the same legal effect with the action conducted by the party itself.

Article 87

87.1 The party may change or withdraw the statement of the representative during the session in which such statement is made.

87.2 If representative of the party has made a statement or submitted in written any fact in the session in which the party was absent, and the party amends or withdraws such statement, the court considers both statements in accordance with this law.

Article 88

88.1 If the representative of the party is not a lawyer and the court determines that is not capable to perform the duty, then it will inform the party on the damaging consequences from such representation.

88.2 If the representative of the party is a lawyer and the court determines that the lawyer is not performing according to the Law on Solicitors, the court will inform the competent bar association for such a circumstance.

Article 89

The party may authorize the representative to conduct only certain actions or all the actions in one proceeding.

Article 90

90.1 The party determines the amount of authorizations to the representative.

90.2 If the party has authorized a lawyer to represent him or her to the court but did not specify in detail his or her authorizations, such authorized lawyer is authorized to the following:

a) conduct all the actions in the procedure and especially to file the claim, withdraw the claim, submit the reply, confirm the claim or withdraw the claim, reach a court settlement, submit or withdraw the appeal but also to propose temporary measures for fulfillment of the demand;

b) submit the request for execution or insurance and conduct actions that are related to such a request;

c) accept from the opposite party the procedural expenditure from the court;

d) issue a written authorization to another lawyer to conduct certain procedural actions but not to act in the principal session of the subject matter.

90.3 The lawyer shall have a special authorization to propose the retry of the procedure if the time since effective decision has been made is more than six months.

90.4 The lawyer may replaced by the practitioner working with him but only at the first instance court.

Article 91

91.1 If the party has not specified the authorizations of the representative in detail, a representative who is not a lawyer may, based on such authorization, conduct all procedural actions but shall always need an expressive authorization to withdraw the claim, confirm or waive the claim, reach a judicial compromise, waive the right to appeal the decision or to withdraw the appeal, transfer authorization to the other person and submit special measures of appeal.

91.2 The authorized representative of the party may, even if it is not a lawyer, conduct all the actions from paragraph 1 without needing expressive authorization.

Article 92

92.1 The party authorizes the representative in written form or verbally in the minutes of the proceeding.

92.2 If the party does not know to write is shall place the print of the index finger in the written authorization. If the authorized person is not a lawyer, two witnesses shall need to sign the authorization.

92.3 If there is suspicion of truthfulness of the authorization, the court may decide to require the verified authorization. The petition may not be filed against such decision.

Article 93

93.1 The authorized representative is bound to present the authorization at the very first action in the procedure.

93.2 The court may allow temporary conduction of actions for the party in the procedure by the person that did not present the authorization but at the same time shall order him or her to present authorization or the consent of the party for the conducted actions within a specified period of time.

93.3 The court will delay rendering of the final decision until the deadline for presentation of the authorization has passed. If the deadline has passed unsuccessfully, the court will annul all the actions conducted by the unauthorized person and shall continue to proceed by disregarding the actions conducted by him.

93.4 The court is bound to verify during the entire proceeding the authorization for representation. If the court determines that the person that claimed authorization is not authorized by the party for such an action, it shall annul of the procedural actions conducted by such person if the party did not accept such actions at a later stage.

Article 94

94.1 The party may revoke the authorization at any time while the representative may denounce the party also at any time.

94.2 Revocation or denouncement of the authorization, respectively, may be court that is conducting with the proceeding in written or verbally in the minutes.

94.3 Revocation or denunciation, respectively, applies to the contesting party from the moment that is communicated to him or her.

94.4 After the denunciation of the authorization, the representative is bound to conduct the proceeding actions for the party that made the authorization for another 15 days if there is need to avoid the damage that can be caused during this period.

Article 95

95.1 The death of the physical person or suppression of the legal person terminates the authorization issued by him or her.

95.2 In case of bankruptcy, the authorization of the bankrupt debtor ceases at the moment when the legal condition to initiate the bankruptcy procedure is created.

CHAPTER VI

THE LANGUAGE IN THE PROCEDURE

Article 96

96.1 The party and other participants in the procedure have the right to speak in front of the court their own language or the language they understand.

96.2 If the procedure is not conducted in the language of the party or other participants in the procedure, upon their request shall be provided verbal interpretation into their language or language they understand of all submissions and evidences and of all that is submitted in the court session.

96.3 The parties and other participants in the procedure shall be informed about the right to follow the verbal proceeding in their language through the interpreter. They may waive from the right to interpreter if they declare that understand the language in which is proceeded. The minutes will record that they were instructed about the right to use their language and the statements of parties and other participants about the instructions provided by the court.

96.4 Interpretation is conducted through the interpreter.

96.5 The cost of interpretation is at the expense of the court budget.

Article 97

Calling letters, decisions and other court documents are sent to parties in the official language of the court.

Article 98

The parties and other participants in the procedure shall send claims, appeals and submissions in the official language of the court.

CHAPTER VII

SUBMISSIONS

Article 99

99.1 The claim, reply to the claim, appeals and other statements, proposals and notices that are made out of court are submitted in written (submissions). The condition of the written form is also met by the submissions sent through telegraph, fax or electronic mail. Such submissions are considered as signed if the sender is indicated.

99.2 Submission must be comprehensible and must contain everything necessary for it to be acted upon. In particular, it should contain the following: the name of the court, the first name and the family name (the name of the legal person), the permanent or temporary residence (headquarters of the legal person) of the parties, their legal representatives and authorized representatives, if the parties have them, the disputed facility, the content of the statement and the signature of the claimant.

99.3 If the statement contains a request, the party shall include in the submission the facts on which the request is grounded as well as the evidence, if needed.

99.4 Submissions sent by electronic mail shall be confirmed by the qualified electronic signature.

Article 100

A submission and other documents attached to it which is given to the opposing party in the proceedings shall be served on the court in a sufficient number of copies for the court and the other party.

Article 101

101.1 Documents attached to the submission are submitted in original, described or photocopied.

101.2 If the party attaches the original document to submission, the court shall keep this document in the subject file, and allow examination by the opponent party. After the need for the original to be kept by the court ceases, it will be returned to the submitter upon his request but the court may also require from the person making the submission for description or the copy to be attached to the subject file.

101.3 If the copy or description of the document is attached to submission, the court, upon request of the contesting party, shall summon the person making the submission to present the original document to the court and allow examination by the contesting party. When such is needed, the court will specify the period of time within which shall be submitted the document and examined, respectively.

101.4 The petition may not be filed against decisions rendered upon the above paragraphs.

Article 102

102.1 When a submission has been filed which is incomprehensible and incomplete, as requested in paragraph 2 of Article 99, the court shall summon the person making the submission to correct or supplement the submission. In such a circumstance, the court instructs the party on corrections or supplements that shall take place and sets a three day period for correction or supplement of submission.

102.2 If the submission is corrected or supplemented within the specified period of time, it is considered to have been submitted to the court on the day when it was originally presented.

102.3 It will be considered that the submission is withdrawn if not returned to the court within the specified period. If returned uncorrected or not supplemented, the submission shall be rejected.

102.4 If the submission or documents attached to it are not submitted in sufficient number of copies, the court shall summon the person making the submission to provide the sufficient number of copies. If the person making the submission does not act according to this order, the court shall reject his submission.

CHAPTER VIII

SERVICE OF DOCUMENTS

The ways of service

Article 103

103.1 The documents are served by mail. Service may also be effected through an official of the court or through a registered and authorized legal person for conducting of

communication services. The documents shall be served directly to the addressee in the court or through any other form that is determined by the law.

103.2 Submission can be done through electronical mail. In such a case it is considered that the submission is submitted at the moment when it is sent by electronical mail.

Article 104

104.1 Document to be served to a state body and legal person is served to authorized person or the employee in the office or working facility.

104.2 The service may be done also at the unit of the legal person if the dispute is caused due to its legal and civil relation.

104.3 The service of documents according to paragraph 1 and 2 of this article may also be presented to the authorized employees of the party that is an employee of theirs

104.4 The calling letter to the military persons, police service employees and employees in ground and air traffic may be presented to their command or their direct superior, and as needed, may also be served other documents.

Article 105

105.1 If documents are to be served to foreign persons or institutions or foreigners who enjoy immunity, the service is presented through diplomatic routes unless the international contract or this law does not determine a different form of communication.

105.2 The service to a legal person with the headquarters in a foreign country may be presented also through its representational office in Kosovo.

Article 106

The service to imprisoned persons is presented through the prison management or through the institutions that are charged with execution of criminal and delinquency sanctions.

Article 107

107.1 If the party is represented by his legal representative or authorized representative, the document is served to the legal representative or authorized representative.

107.2 If the party has more than one legal or authorized representative, it is sufficient for the document to be served to one of them.

Article l08

108.1 The service may be presented also to the employee of the office of the party's legal representative.

108.2 If the lawyer is practicing in his own residence, the provisions of the article 111 of this law apply.

Article 109

109.1 The documents are served every day from 7,00 – 20,00 at the residence or the workplace of the receiving person or at the court premises when the person is present in the court premises.

109.2 If the service of the document may not be presented at the address and time mentioned in the above paragraph then it may be presented at any other time and place.

Article 110

110.1 The claim, reply to the claim, calling letter to the session, payment order, court decision, against which may be filed special petition, the remedy for appeal is presented to the party in person or to his or her legal or authorized representative. Other documents are presented to the addressee in person when such is expressly determined by this law or when the court concludes that because original documents are attached to the document or for any other reason additional precautionary measures are required.

110.2 If the person on whom the document must be personally served is not found where the service is to be effected, the person effecting the service shall find out when and where that person may be found and shall leave with one of the persons referred to in Article 111, paragraph 1 and 2 of this law a written notice directing the addressee of the document to be in his or her dwelling or workplace on a particular day and hour in order to receive the document.

110.3 If even after this the submitter of the motion does not find the person to whom must the motion be delivered, then he must act in accordance with the provisions of section 111 of this law, and so the submission is considered completed

Article 111

111.1 If the addressee is not found at home such document may be given to any adult member of his or her household, who must accept the document. If they are not found at

home, the document shall be left with a neighbor, if he or she consents to accept it. It shall be assumed that the service has thereby been effected.

111.2 If service is effected at the workplace of a person on whom a document is to be served and that person is not found there, it may be served on a person employed at that same workplace, if he or she consents to accept the document.

111.3 It shall not be served to the person that is taking part in the procedure as opponent to the addressee.

111.4 Persons to whom were served documents instead to addressee according to the above paragraphs are obliged to present the document to the latter.

Article 112

If the addressee, the adult member of his family, authorized person, the employee of the state body or legal person, refuses to accept the document without any legal justification, the person effecting the service shall leave the document at home or workplace of the addressee or attach it on the door of the home or workplace. The person effecting the service shall note on the receipt the date, hour and reason for refusal and the place where the document is left. Service is thereby effected.

Article 113

If it is ascertained that the person on whom a document is to be served is absent and that the persons referred to in article 111, paragraph 1 and 2 of this law, may not therefore present the document to him or her on time, the document shall be returned with an indication of where the absent person is located.

Article 114

If the service to the registered subject in the public registry may not be effected at the address presented in the registry, communication is effected by attaching the document in the court's announcements table. Communication is assumed to have been effected after seven days from the day of presentation at the court's announcements table.

Article 115

115.1 If a document cannot be served on persons under provisions of articles 110 and 113, the person effecting the service shall return the document to the court that has ordered the service. If the communication is taking place through the post office, the document is returned to the post office in the addressee's dwelling. At the door or at the mail box of the addressee's dwelling a note shall be left with an indication of the place at which the document can be collected, the (15) fifteen day time limit within which it may

be collected, the day when the notice is presented to the person to whom the note is served and signature of the person effecting the service. In the returned document is presented the name of the person effecting the service, the reason for such action and the day when the notice is left to the person that received the notice.

115.2 Communication is assumed to have been effected if the addressee does not receive the document within (15) fifteen days from the day when the notice is left at the door or the mailbox.

115.3 The court which ordered the service of the document shall be notified if communication is effected as determined in this article.

Change of Address

Article 116

116.1 If the party or his or her representative during the proceeding or before completion of six months period following completion of procedure by adjudicative decision changes the address where the documents shall be served it shall immediately notify the court.

116.2 If the revision against the adjudicated decision takes place within the time period given in paragraph 1 of this article, such deadline is extended until are completed six months from issuance of revised decision by which the revision is refused or decision changed according the appeal on revision.

116.3 If proposal for retry of proceedings is submitted before completion of the time period given in paragraph 1 of this article, the deadline is extended until completion of the six months period from the date of decision in the retried procedure which was appealed or the day in which the party received the decision of second instance.

116.4 If the appealed procedure annuls the adjudicated decision and the matter is returned for retrial, the time period from paragraph 1 is considered to have not started.

116.5 If the party or his representative does not promptly inform the court on the change of address, the court shall order further service to take place in the court's announcements table. This service shall be effected until the party or his representative informs the court about the new address.

116.6 The service from the paragraph 5 of this article is assumed effected after the seven days period of announcement of the documents in the announcement table of the court has exceeded.

116.7 If the representative authorized to receive the documents changes the address before completion of periods from paragraph 1-3 of the present article but does not inform the court on such action, then the court, on expense of the party, appoints the representative for reception of documents for the party until the party informs the court about the new authorized representative.

Article 117

The competent body is bound to communicate the address of the receiver of documents to the party with legal interest. Legal interest is proved through the certificate of the court on the filed claim or existence of litispendence.

The representative for reception of documents

Article 118

118.1 If the claimant or his representative are abroad and do not have a representative in Kosovo, upon filing of the claim to the court they are bound to appoint the representative that will receive the documents. If they do not act in this manner, the court on expense of the claimant appoints the representative for reception of documents and through him the court summons the claimant or his representative to appoint the representative for reception of documents within the given time period. If the party or his representative does not appoint a representative for reception of documents, the court refuses the claim by the decision that is sent to the claimant or his representative through the representative for reception of documents appointed by the court.

118.2 The court shall summon the claimant or his legal representative, that is placed abroad but does not have a representative in Kosovo, through the first document that is send, to appoint the representative for reception of documents in Kosovo within a specified time period by threatening that if this does not take place, the court on his expense, shall appoint the representative to receive the documents through whom shall the claimant or his representative be informed about such appointment.

118.3 If a party revokes the representative for reception of documents without appointing a new one, the court shall serve the documents in the announcement table of the court until the party appoints a new representative for reception of documents.

118.4 If the representative for reception of documents withdraws from authorization and the party does not appoint a new representative within thirty (30) days time period from the day the court was informed about withdrawal, the court shall appoint to the party, on the expense of the latter, a representative for reception of documents through whom shall be sent all the documents until the court is informed on the engagement of the new representative.

118.5 The cost of the appointed representative for reception of documents of the claimant or defendant shall be covered by the claimant. If the claimant fails to make the deposit, the claim shall be rejected.

118.6 Provisions on appointment of the representative for reception of documents by the defendant are appropriately applied also to the third person that shall be informed on the initiation of procedure as well as for the appointment of the legal predecessor.

Article 119

119.1 If there are more persons jointly filing the claim but do not have a same legal representative or authorized legal representative, the court may summon them to appoint a joint representative for reception of documents. At the same time, the court shall inform the claimants on who of them shall be considered by the court as the joint representative for reception of documents if they fail to appoint such representative.

119.2 The provisions of paragraph 1 of this article apply also when there are several defendants as joint litigants.

Sending of documents by the parties

Article 120

120.1 Sending of documents to the opponent party, apart from the documents that shall be effected in person, shall be served, with the court consent, also by the party.

120.2 In the case from paragraph 1 of the present article, the party serves a copy to the opponent party according to the law on service and the other copy is served to the court with the note that the opponent party has already been served.

120.3 The service according to the paragraph 2 of this article is considered a regular form of service.

The notice

Article 121

121.1 The certificate of service of the document is signed by the recipient and the person effecting the service. The recipient shall print in the receipt with letters the date of reception of the document.

121.2 If the receiver does not know to write or is not capable to print the signature, the sender will print the recipients name and family name and the day of service and will note the reason for which recipient was not able to sign the note of service.

121.3 If the receiver rejects to sign the service note, the person effecting the service shall indicate that in the service note and write the date of service, and by this the service is considered as regularly effected.

121.4 If service has taken place according to the article 110, paragraph 2, of this law, the service note shall include apart from confirmation of reception of the document also that the written information has been serviced in advance.

121.5 If according to the provisions of this law the document has been sent to the other person and not to the addressee, the service note shall include the relation between these two persons.

121.6 If in the communication notice it is written wrongly the date of submission, it will be considered that the real date of service is the date when the service is carried.

121.7 If the service note is lost, the fact of service may be also proved by other ways.

Examination and description of documents of the subject file

Article 122

122.1 Parties shall have the right to examine and describe the documents of the procedure in which they are taking part.

122.2 Other persons with a justified reason may be allowed to examine and describe the documents of the subject.

122.3 During the proceeding, the permission foe examination and description is issued by the judge of the matter. If the procedure is completed, permission for examination and description is issued by the president of the court or court officer that he has assigned.

CHAPTER IX

PROCEEDINGS AND PRESCRIBED PERIODS OF TIME

PROCEEDING

Article 123

123.1 The proceeding is initiated by the court whenever is determined by the law or required by the procedure.

123.2 The court invites to proceeding parties and other persons whose presence is deemed necessary.

123.3 The submission which was the cause for initiation of the procedure is attached to the summons which includes the place, the room and the time of the proceeding. If the submission is not attached, the summons includes the litigant parties, the object of dispute and the activity to be undertaken in the proceeding.

123.4 The court through the summons informs the parties and other participants on the legal consequences from failing to take part in the procedure.

123.5 The party that joined the proceeding after its start may not request for the procedural actions completed in his or her absence be repeated.

Article 124

124.1 The proceeding generally takes place in the court building.

124.2 The court may decide for the proceeding to take part in different location from the court building if it is deemed necessary or that this saves time, facilitates the approach to any party, efforts or procedural expenditure.

124.3 No appeal shall be permitted against the decision for the proceeding to take place in a location different from the court building.

Prescribed periods of time

Article 125

125.1 If the periods of time are not determined by law, they are prescribed by the court by taking into account the circumstances of the concrete case.

125.2 The period of time prescribed by the court may be extended with the proposal of the person asking for extension for appropriate reasons.

125.3 Proposal for extension of the period of time may be presented before expiration of the period.

125.4 No appeal shall be permitted against the decision which accepts or refuses the proposal for extension of the prescribed period of time.

Article 126

126.1 A prescribed period of time shall be calculated in hours, days, months and year.

126.2 If the period of time is prescribed in days, the day when an event occurred, which serves as the commencement of a prescribed period of time, shall not be included in the prescribed period of time, but the next day shall be taken as commencement of the prescribed period of time.

126.3 A prescribed period of time set in months or years shall expire on the last month or year at the end of the same day of the month on which the prescribed period of time began.

126.4 If there is no such day in the last month, the prescribed period of time shall expire on the last day of that month.

126.5 If the last day of the prescribed period of time falls on an official holiday, on Saturday or Sunday or on any other day when the competent body does not work, the prescribed period of time shall expire at the end of the next working day.

Article 127

127.1 When a submission must be given within a prescribed period of time, it shall be deemed to have been made in due time if it has been served to the court before the lapse of the prescribed period of time.

127.2 When a submission is sent by post, registered mail or telegram, the date of mailing or sending it shall be considered as the date of the service on the court to which it has been sent. When a submission is sent by fax, the day when it was faxed shall be considered as the day of service on the court.

127.3 When a submission is sent by telegraph but it does not contain all the necessary elements for undertaking an action, it is considered to have been served within the prescribed period if the submission is served directly to the court through the registered letter within three days from the day the telegram was sent.

127.4 When a submission is sent by electronic mail, it is considered to have been served on the day that is shown by verification of the qualified electronic signature.

127.5 When a person is doing the compulsory military service, the day when the submission is served to the military unit or military institution is considered as the day of service on the court. This applies also to other persons in the military units or institutions who are serving in places where regular mail service is not available.

127.6 When a person is imprisoned, the day when the submission is serviced to the prison administration is considered the day of service on the court.

Article 128

128.1 When a submission that is bounded to a prescribed period of time is served to the incompetent court within the prescribed period of time while to the competent after the due date, it shall be considered for the prescribed period of time to have been respected if it is served to the incompetent court due to lack of knowledge by the person serving the submission.

128.2 Provisions in the article 127 are applied also for the prescribed period of time within which, according to the special provisions, shall be filed the claim as well as regarding the obsolescence of loans or any other rights.

RETURN TO PREVIOUS SITUATION

Article 129

129.1 when the party does not take part in the proceeding or misses the due date for completion of any procedural action and due to this it looses the right to complete the procedural action bound to the prescribed period of time, the court may permit this party to complete this action with delay if there are reasonable circumstances which can not be determined or avoided.

129.2 If the return to previous situation is permitted, the contentious procedure returns to the situation in which was before failure to act and all the decisions rendered to the court due to failure to act are cancelled.

Article 130

130.1 Proposal for return to previous situation is submitted to the court in which the failed action should have taken place.

130.2 Proposal shall be submitted within seven (7) day period from the day the cause of failure to act has ceased, and if party has found out about failure to act at a later stage, the period of time is calculated from the day when the failure to act was recognized.

130.3 When more than sixty (60) days have passed from the day of failure to act, the return to previous situation may not be requested.

130.4 If the return to previous situation is requested due to failure to complete the procedural action within the prescribed period of time, the requestor is bound to attach the written action which failed to be completed on time.

Article 131

The return to previous situation shall not be permitted if the period for submission of proposals for return to previous situation is not met or the party did not show himself at the proceeding for review of the proposal for return to previous situation.

Article 132

132.1 Proposal for return to previous situation, in general, shall not influence the proceeding but the court may order to halt the proceeding until the decision on proposal is rendered.

132.2 If the proposal for return to previous situation is presented during the proceeding of the second instance, the court of first instance shall inform the court of second instance on the proposal.

Article 133

133.1 The court rejects by rendering a decision the proposal that is submitted after the prescribed period of time or the non-permitted proposal for return to previous situation.

133.2 The court initiates the proceeding only when the party expressively proposes return to previous situation. The court shall not initiate a proceeding if the facts of the proposal are widely known. The court acts in the same way also when the proposal is based on clearly unfounded facts or when the court has sufficient evidence in the file of the subject to render the decision for return to previous situation.

133.3 The appeal against the decision which allows return to previous situation shall not be permitted.

133.4 The appeal against the decision for rejection of proposal for return to previous situation shall not be permitted unless the decision is rendered due to absence of the defendant in the proceeding.

CHAPTER X

RECORDS

Article 134

134.1 A record shall be kept of each action undertaken in the course of court proceeding.

134.2 A record shall be kept also on important statements and notices that are made by the parties or other participants out of the course of court proceeding. The record shall not be kept for less important statements and notices for which shall be kept an official note in the file.

134.3 The record shall be written by the recording clerk.

Article 135

135.1 The entry in the record shall include: the name of the court, the place where the action is being undertaken, the day and the hour when the action began and ended, the object of dispute, the names and surnames of the parties and other persons present, and the names of legal representatives or authorized representatives.

135.2 The record should contain the essential information about the content of the action undertaken. The record of the main proceeding of the matter shall include especially whether the proceeding was undertaken behind open or closed doors, the content of the statements made by the parties, their proposals, the evidence provided, the evidence used, the statements of witnesses and experts, decisions rendered by the court while proceeding but also the decision rendered after completion of the main proceedings of the matter.

Article 136

The record must be kept up to date, nothing in it may be deleted, added or amended. The sections which have been crossed out must remain legible.

Article 137

137.1 When the record is written by the recording clerk, the judge shall tell the recording clerk orally what shall be entered in the record. With the permission from the judge, participants in the proceeding shall be allowed to state his or her answers for the record in his or her own words.

137.2 The parties have the right to read the record or to request that it be read to them as well submit objections about the content of the record. This applies also to other persons whose statements are included in the records but only for the part of the record that contains their statement.

137.3 All changes, corrections, and additions of the parties or other persons in the content of the minutes, or with the initiative of the judge shall be noted at the end of the minutes. By request of the above mentioned entities there are written in the minutes also their objections which are not approved by the judge.

Article 138

138.1 The judge may order that the proceedings be taken down in shorthand or on a stenographic machine.

138.2 If there are objections to content of the record taken down according to paragraph 1 of this article, the provision of the article 137, paragraph 2 and 3 of this law, shall be appropriately applied.

138.3 If the record is not kept in written it shall be transcribed within three days.
Parties have the right to examine and copy the written record and make objections to irregularities within the next three days.

138.4 The judge renders a decision on the objections from paragraph 3 of this Article outside court proceedings.

138.5 The tape may be deleted following expiration of the objection period of time, and if the party is objecting the accuracy of the record, after the effective decision on the main matter is rendered.

Article 139

139.1 The record shall be signed by the judge, recording clerk, parties or their legal representative or authorized representative and the interpreter.

139.2 The witness and the expert sign their statement in the records only when their hearing was ordered.

139.3 Any person who does not know how to write shall place the print of the index finger of his or her right hand in place of a signature and the recording clerk shall enter his or her first and last name underneath the fingerprint.

139.4 If the party, his or her legal representative or authorized representative, witness or expert person refuses to sign the record, this shall be noted in the record along with the reason for the refusal.

Article 140

140.1 A special record on the counseling and voting is kept if the decision is rendered by a trial panel of judges. If the court of higher instance that decides on the appeal decides unanimously, shall no record be kept and a note on the counseling and voting shall be added to the decision.

140.2 The record on the counseling and voting shall contain the developments related to voting and the decision. The record is signed by the members of the trial panel and the record clerk.

140.3 The record on the counseling and voting is kept in a special envelope.

140.4 The record may be examined by the higher instance court when rendering a decision on the appeal. After that, the record shall be again kept in a special chapter which will note that the record has been examined.

CHAPTER XI

THE COURT DECISION

Article 141

141.1 If the European Court on Human Rights ascertains that it was violated a basic right or freedom foreseen in European Convention for protection of Human Rights and Freedoms and in supplemented protocol of convention, the party within term of thirty (30) days from the day of verdict by European Court on Human Rights may file a petition for amendment of a verdict by which it was violated.

141.2 The petition is filed in Court of Kosovo that has acted on first level, in the procedure where the decision was taken by which it was violated the basic human right or freedom.

141.3 In the procedure on the petition for amending the decision by which it was violated human right or freedom, the provisions of this law are applied to suit the repeated procedure.

141.4 In the repeated procedure the court is obliged to take into consideration the attitudes of a final decision of the European Court on Human Rights by which it is ascertained the violation of basic human rights and freedoms.

Article 142

142.1 The court renders decisions within and outside court proceedings.

142.2 Decisions are rendered in the form of judgment or ruling.

142.3 The court decides on the claim by judgment while on the contentious procedure on obstruction to possession by a ruling.

142.4 In the procedure for issuance of order payment the ruling is issued in the form of order payment.

142.5 The decision rendered by the court on all other issues is in the from of ruling.

142.6 The decision on the procedural expenses that is included in the judgment is considered a ruling.

JUDGEMENT

Article 143

143.1 The court decides on the main matter and additional claims by judgment.

143.2 If one claim included several claims, the court generally decides by a single judgment.

143.3 If the court has brought together several proceedings in order to undertake a joint examination of matters, and only one proceeding is mature for decision, the judgment is issued solely for that matter.

Article 144

144.1 The court may order the defendant to fulfill the proposal if the claim may be realized before completion of the proceeding of the main matter.

144.2 If the court approves the claim on legal nutrition or compensation of damage through payment of rent due to the lost profits or other income from labour, the defendant may be bound also to proposals which may not be realized yet.

144.3 If proposal which is part of the claim is not required to be accomplished until completion of the main proceeding, the court turns down the claim as premature.

Article 145

If the claimant has requested in the claim a certain item from the defendant by stating in the claim or during the proceeding of the main matter that it may accept payment in cash instead of the claimed item, then the court, if it approves the claim, may conclude in the judgment that the defendant if it pays the requested amount is released from delivering the claimed item.

Article 146

146.1 If the party is ordered to fulfill a proposal, it shall be described the period of time within which the fulfillment shall take place.

146.2 If special provision do not foresee differently, the period of time for fulfillment of proposal is fifteen (15) days but the court may extend the prescribed period of time for obligations of monetary nature. The disputes related to bill of exchange or cheque, the period of time for fulfillment of obligation is seven (7) days.

146.3 The period of time for fulfillment of proposal is counted from the day of service of judgment to the party that needs to fulfill the proposal.

a) Partial judgment

Article 147

147.1 If out of several claims, due to confirmation or based on sufficient proceeding, one or several of them are mature for final and meritorious decision, the court may, based on the completed proceeding, finalize the proceeding and render the judgment (partial judgment).

147.2 The partial judgment may be rendered also when the defendant has filed a cross-action and the decision is completed only regarding the claim or the cross-action.

147.3 When considering to render the partial judgment, the court takes into consideration the volume of the claim or the part of the claim that is ready for decision.

147.4 When the trial includes several claims upon which, due to the nature of dispute, may be decided only by one judgment, it is not permitted rendering of a partial judgment.

147.5 The partial judgment is considered an independent judgment regarding appeal and finalization.

b) judgment based on confirmation

Article 148

148.1 If the defendant during the proceeding of the main matter partially or completely confirms the claim, the court renders, without further proceeding, the judgment which approves the part or complete claim (judgment based on confirmation).

148.2 The court may not issue the judgment based on confirmation, even if the required conditions are met, if it determines that the object of claim is not freely available to parties (paragraph 3 of article 3).

148.3 The rendering of judgment based on confirmation is delayed if it is necessary to collect information on the circumstances of paragraph 2 of this Article.

148.4 The statement on confirmation of the claim may be revoked verbally during the proceeding or by submission outside from proceeding, even without the consent of the claimant, until the moment the judgment is rendered.

c) judgment based on withdrawal from the claim

Article 149

149.1 If the claimant, until completion of the main proceeding of the matter, withdraws from a part or complete claim, the court without further proceeding renders a judgment

which refuses the claim from which the claimant has withdrawn partially or in complete (judgment based on withdrawal).

149.2 The defendants consent shall not be needed for withdrawal from the claim.

149.3 The court may not issue the judgment based on withdrawal from the claim, even if the required conditions are met, if it determines that the object of claim is not freely available to parties (paragraph 3 of article 3).

149.4 The rendering of judgment based on withdrawal from the claim is delayed if it is necessary to collect information on the circumstances of paragraph 3.

149.5 The statement on withdrawal of the claim may be revoked verbally during the proceeding or by submission outside from proceeding, even without the consent of the defendant, until the moment the judgment is rendered.

d) judgment based on disobedience/non-compliance

Article 150

150.1 If the defendant, within the time period prescribed by this law, does not submit the reply to the claim, the court renders the judgment that approves the claim (judgment based on non-compliance), if the following conditions are met:

a) if the claim and summons to reply to claim has been appropriately served to the defendant;

b) if the claim is founded on the evidence provided in the claim;

c) if the facts that support the claim are not in contradiction with the evidence from the claimant or widely known evidence.

150.2 If the court determines that the claim is not freely available to parties, the judgment due to non-compliance of conditions from paragraph 1 of this Article, it the court ascertains that it is the petition by which the parties shall not be rendered (paragraph 3 of article 3).

150.3 The rendering of the contumacious decision shall be delayed if appropriate information about the circumstances from paragraph 2 are needed.

150.4 If the claim based on the facts presented is considered unfounded, the court will initiate a preparatory hearing and if during that proceeding the claimant does not change the claim, the court renders a decision by which the claim is refused.

150.5 The appeal against decision of the court which rejects the proposal of the claimant for contumacious decision shall not be permitted.

150.6 In the cases from paragraph 3 of the present article, the contumacious decision may be rendered without hearing the parties.

e) Judgement due to absence

Article 151

151.1 When the charge is not sent for answer, but it is sent only together with the invitation for the preparation session, and he doesn't come for the session until it's finished, or in the first session for the main elaboration, if the timing for the preliminary session was not determined, the court with proposal from the plaintiff or in accordance with the official task issues a decision by which it approves the claim charge (decision due to the absence) if these conditions are met;

a) if the accused was invited regularly to the session;

b) if the accused never contested the request for charges through a preliminary pre-note if the charged party didn't oppose it;

c) if the depth of the request for charges is based on the facts shown in the charge;

d) if the facts on which the charges are based are not contradictory to the existing proofs presented by the plaintiff or other facts known worldwide;

e) if there are no circumstantial notes from which it can be determined that the charged party was stopped due to justified reasons no tot attend the session.

151.2 The court may not issue a decision due to absentee even if the conditions fro the paragraph 1 of this article are met, if it ascertains that the request is related to the issue that can not be at parties disposable (paragraph 3, article 3).

151.3 Issuing a decision due to the absence will be postponed if necessary once the needed info are present in accordance to the circumstances in the paragraph 2 of this article.

151.4 If the facts shown in the claim charge do not give basis for the charge, while the plaintiff in the court session don't change the charge, the court will issue the decision by which the claim charge is rejected as without basis.

151.5 The verdict which refuses the proposal of the plaintiff for issuing a decision based on absence can not be appealed, the complaint is not allowed.

151.6 In the cases of the paragraph 3 of this article the decision due to the absence can be issued without hearing of the parties.

f) Decision without a hearing of the case

Article 152

152.1 If the charged party through a reply to the charge has confessed decisive facts, though it contests the claim charge, the court can issue a decision without setting a court hearing (article 143 and 147), if there are no other objection to the issuance of this decision.

ISSUANCE, DRAFTING AND SENDING THE CHARGESHEET

Article 153

153.1 The court issues the verdict at the latest within fifteen (15) days from the closure of final evaluation. Time of issuance of the verdict is the day in which it is drafted.

153.2 If the judge exceeds the timeframe from paragraph 1 of this article, he is obliged to inform the president of the court in written for reasons of passing the deadline.

Article 154

154.1 After the final evaluation, the court informs the present parties for the date of issuing the verdict. If one of the parties didn’t attend the last session of the case evaluation, the court will inform the party in written about the day for the verdict issuance.

154.2 If the parties are informed regularly on the day of issuing the verdict, the deadline for complaint against the verdict starts the day after the verdict was issued.

Article 155

155.1 In extraordinary cases, the court may decide to send the verdict in a more convenient way, but not contradictory to the provisions of this law.

155.2 The party which was not informed regularly for the day of verdict issuance, the court will send the verdict in accordance with provisions of this law for sending requisitions.

Article 156

Contumacy verdict, a verdict due to the lack of evidence and the verdict of the second level court issued without an evaluation session of judicial issues is sent to the parties in accordance to the provisions of this law for sending requisitions.

Article 157

In the case of article 153, paragraph 2 of this law, once the court establishes that the day to issue the verdict will be postponed; both parties in the case will be informed on the matter, while the verdict issued will be sent in accordance to the provisions of this law for sending requisitions.

Article 158

In the cases of the articles 155, 156 and 157 of this law, the deadline for presenting the hitting tool (evidence) used, counts down from the day the verdict was issued to the party.

Article 159

The principle verdict is signed by the judge.

Article 160

160.1 A verdict compiled in written should have: summary, disposition, justification and guide on the right to file a complaint against the verdict.

160.2 The summary of the verdict should have: the name of the court, the name of the judge, the names of the parties and their address, the names of their legal representatives, brief narrative of the contesting issue and the amount, the ending day of the main hearing, the narrative of the parties and their legal representatives and with proxy that were present in the session of the kind as well as the day when the verdict was issued.

160.3 The verdict disposition consists of: decision which approves or rejects special requests dealing with issue at stake and accessing requests, decision for existence or non-existence of the proposed requests to compensate it with statement of claim as well as the decision on procedural expenses.

160.4 Justification of the verdict consists of: requests of parties, facts submitted and proposed proofs, which of the facts are validated, why and how they were validated, if they were validated according to the proof which proofs were used and how they were validated.

160.5 The court specifically should show which provisions of the material right are applied in the case of deciding upon the requests from the parties. If necessary, the court will pronounce on the standing of the parties regarding the judicial basis for the contests, as well as for their proposals and turndowns, for which the court hasn’t justified decisions issued earlier in the process.

160.6 In the contumacy verdict, verdict on the basis of pleading guilty, verdict on the basis of withdrawing the charges, or the verdict due to the lack of attendance, the justification consists of only the reasons for issuing the verdict of the kind.

Article 161

If the parties have withdrawn from their right to complain after the verdict was issued, or they haven't requested that the verdict sent has the justification part, the court will not justify it especially the verdict issued but the court will show that the parties have withdrawn from complaint therefore the verdict isn't justified.

Supplemental Verdict

Article 162

162.1 If the court hasn't decided over all requests that should have been included in the verdict, or when only one part of the requests was not included than the party can suggest its supplementation through a proposal in a period of fifteen (15) days since the day of the verdict was issued.

162.2 If the party doesn't propose its appending it will be considered that the charges were withdrawn for the part which was not included in the decision issued.

162.3 A proposal coming later or with no basis for supplementing the decision will be dropped, respectively rejected by the court without setting a hearing.

Article 163

163.1 When the court ascertains that proposal to supplement the decision has grounds, it sets a session for main hearing of the case, aiming at issuing a decision for the part of the request that hasn't been resolved (a supplemental decision).

163.2Supplemental decision can be issued without reopening of the main hearing, if this decision is issued by the same judge who issued the first decision but only after it is ascertained that the request proposing the supplement is examined enough.

163.3 If the proposal for supplementing the decision is related to the expenditures of the procedure, the verdict over the proposal is issued by the court without setting a court session.

Article 164

164.1 In cases where except proposal for supplementing the decision there is an appeal against it, the appeal is not sent to the court of the second instance until there is a decision on the supplement proposal and until the deadline for addressing it isn't due.

164.2 If there is a complaint against the verdict for supplementing a decision, this complaint together with first decision will be sent to the court of second instance.

164.3 In case the decision is attacked by a complaint only because the court hasn't used it for all requests of parties that are subject of the court process, the complaint will be regarded as a proposal for issuing a supplemental decision.

Correction of the decision

Article 165

165.1 Mistakes on the names and numbers as well as other written and calculating mistakes, absence in a aspect of ways of decision and discrepancies of copies with the original are corrected by the court in every time.

165.2 The correction of mistakes is dome through a special verdict written in the form of the original verdict while the parties receive copies of such verdict.

165.3 If there are discrepancies between original and the copy of a restrained verdict in a sense of decision per request, the parties receive the corrected copy of the decision by showing that this copy replaces the previous copy of the decision. In this case the deadline for complaint against the corrected part of the decision starts from the moment of issuance of the corrected copy of the decision.

165.4 The correction of the decision is decided by the court without hearing of parties.

The decision of the absolute decree

Article 166

166.1 The decision that can be attacked through a complaint becomes an absolute decree one for as much it is decided over the claim charge or against claim charge.

166.2 The court, in accordance to its official task during the proceedings looks into the possibility of the same issue being examined before, f it ascertains that the procedure was initiated for the request for which a verdict of absolute decree exists, the charges will be dropped as not allowed ones.

166.3 If in the process was decided over the request for which the charged party has submitted through a turndown aiming at compensation through a request charge, than the

decision for existing or non-existence of this request of the charged will be issued as an absolute.

Article 167

167.1 The decision of absolute decree produces judicial effects only through the litigant party, except when due to the nature of the contesting relationship or based on the order it produces effect against third parties.

167.2 The decision of absolute decree is related to the state of the judicial relations at the time of the closure of main hearing.

Article 168

In case of the later trial based on the charges raised against the intermediate who together has participated the previous procedure, the court can not decide against the previous decision except when the turn down is approved for following the issue at the court with disrespect.

Article 169

169.1 The court is bound to its decision from the moment of issuing it.

169.2 The decision is active toward both parties from the day it is issued, while in the cases 155, 156, and 157 of this law from the day it is handed.

CHAPTER XII

V E R D I C T

Article 170

170.1 All verdicts issued at the court session are announced by the judge.

170.2 The verdict announced in the court session are sent to the parties as verified copies only if they are can be attacked with a special complaint, or based on the verdict can be asked for an immediate turndown or if something of the kind is asked by the proceedings.

Article 171

171.1 The court is linked to its verdicts if they do not belong to its process or if this law doesn’t determine it differently.

171.2 In the cases where the verdict is sent to the parties, the verdict is effective as soon as it is announced.

Article 172

172.1 The decisions issued by the court outside of the court session are communicated to the parties by sending a verified copy of the verdict.

172.2 If through the verdict the proposal of one of the parties is refused without a preliminary hearing of the opposite party than the verdict is not sent to the second party.

Article 173

The verdict should have a justification in case there is a special complaint, the verdict could have a justification in other cases when the court declares that it is necessary/

Article 174

Absolute decrees and fines issued through the provisions of this law are implemented in accordance to the official task.

Article 175

Provisions of articles 146, 153, 160 and 169, paragraph 2, of this law is applied accordingly when it is dealt with verdicts.

PROCEDURE ACCORDING TO THE MEANS OF ATTACK

CHAPTER XIII

Usual means of attack

COMPLAINT AGAINST THE ADJUGMENT

The right to complain

Article 176

176.1 The complaint of parties against the decision of the 1st level court can take place within fifteen (15) days starting from the day a copy of the verdict is handed, unless there

is no other schedule set by this law. In the disputes coming from the relationships in which the verdict was issued, through a bill of exchange or cheque, the deadline for complaint is seven (7) days.

176.2 The complaint processed during the period set by law prevents the verdict to be issued as an absolute decree with reference to the part affected by the complaint.

176.3 On the complaint against the verdict is decided by the court of level two.

Article 177

177.1 The party can withdraw from the right of complaint from the moment when the verdict is handed to him/her.

177.2 The party can withdraw the complaint up to the moment when the second level court issues the decision.

177.3 Statement for withdrawing from complaint or withdrawal of the complaint can not be revoked.

Content of the complaint

Article 178

178.1 Complaint should consist of:

a) narrative of the verdict against which the complaint is done;

b) statement that the verdict is opposed in complete or in specific parts;

c) reasons for complaint and justification;

d) signature of the party raising the complaint.

Article 179

179.1 If the complaint doesn't include elements from the article 178 of this law (incomplete complaint), the first instance court through a verdict that prevents complaints calls upon the appealing party to fulfill the proposed complaint within seven days.

179.2 If the complaining party doesn't act within the period outlined by parag.1 of this article, as requested by the judge, the court through a verdict rejects the complaint as insufficient.

Article 180

180.1 New facts cannot be presented through the complaint, or new proof, except when the complainer presents new proofs which couldn't be presented by no fault of the complainer, specifically they should be presented until the main hearing of the first level court.

180.2 By presenting new facts, the complainer should mention proofs through which such facts could be verified, while by presenting new proof, the complainer should mention facts which could be verified through those proofs.

180.3 Rejection of the prescription and rejection with aim of compensation which are not presented in the court of first level can not be presented through a complaint.

180.4 If by presenting new facts, and by proposing new proof there are procedure expenses made during the complaint procedure that those expenses will be charged to the party which presented new fact respectively the party which presented new proofs.

Reasons on which the verdict could be strike

Article 181

181.1 The verdict can strike:

a) due to the violation of provisions of contestation procedures;

b) due to a wrong ascertainment or partial ascertainment of the factual state;

c) due to the wrong application of the material rights.

181.2 Decision based on confession and decision based on withdrawal from the charges can take place due to the violation of provisions of contestation procedures, or due to the confession statement, respectively withdrawal from statement of claim made by mistake or under violent impact or seduction.

Article 182

182.1 Basic violation of provisions of contested procedures exists in case when the court during the procedure didn't apply or wrong application of any of the provisions of this law, while this has or will impact a rightful legal decision.

182.2 Basic violation of provisions of contested procedures exists always;

a) when the court is not made based on provisions or when during the issuance of the verdict was done by the judge who didn't participate in the main hearing;

b) when it is decided on a request which isn't a part of the legal jurisdiction;

c) when the in the issuance of the decision participated the judge who according to the law should be dismissed, respectively the judge was already dismissed by a court decision or in the cases when a person not qualifies as a judge participated in the issuance of the verdict;

d) in cases when the court based on rejection of parties has wrongly decided that it belonged to subject competencies;

e) if it was decided for the request based on the charges raised after the time period previously set by the law;

f) if the court has decided for the claim for which is subject of the highest court of the kind, a court of different kind;

g)if it's contrary to the provisions of this law, the court has based its decision on illegal possession of parties, (article 3. paragraph 3);

h) if it's contrary to the provisions of this law, the court has issued a decision based on confession of the party, disobedience, absence, withdrawal from the claim or without holding of the main hearing;

i) if any of the parties through illegal activity, especially by not offering the opportunity for a hearing in the court;

j) if in opposition with provisions of this law the court has refused the request of the party that in the procedure use its own language and writing, and follow the procedure in ones own language, and for this reason complaints;

k) if in the procedure as a plaintiff or as the accused has participated a person who couldn't be part of the procedure; when the party which is a legal entity was not represented by the authorized person; when the party with lack of procedural knowledge wasn't represented by a legal representative; when the legal representative, respectively the representative with proxy of the party had no necessary authorization for conducting a procedure, respectively performing specific actions in the procedure if the conducting the proceeding, respectively exercising of special actions in proceeding is not alowed;

l) if it was decided for the request for which the procedure is ongoing or for which earlier an absolute decree was reached; or for which the plaintiff once has withdrawn; or for which a court agreement was reached;

m) if in opposition with law the audience was expelled from the main hearing;

n) if the decision has leaks due to which it' can't be examined, especially if the disposition of the decision is not understandable or contradictory in itself with the reasoning of the verdict, or when the verdict has no reason or which gives no justification for the final facts, or which reasoning are unclear, contradictory, or if in the final facts there are contradictions between what is said in the verdict, the main document or the procedural records and of the document or the minutes of proceeding;

o) if the verdict overpass the claim for charges.

Article 183

183.1 There is a wrong ascertainment or incomplete one regarding the factual state when the court wrongly has verified a crucial fact, respectively when the fact of the kind wasn't verified.

183.2 There is an incomplete ascertainment of the factual state and this is shown by new facts or new proofs.

Article 184

Wrong application of the material rights exists when the court didn't apply the material right provisions which should been applied, or when such provisions was not applied rightfully.

Procedure according to the complaint

Article 185

The complaint will be presented to the court that issued the decision of the first degree in a satisfactory number for the court and opposing party.

Article 186

186.1 The complaint presented after the deadline foreseeable by the court, the incomplete one, or the illegal one the court can reject with a decision of the first degree without setting a court session.

186.2 The complaint has no value if presented after the deadline determined by the law for presenting it.

186.3 The complaint is illegal if it is presented by the person who is not authorized for presenting, or the people who withdraw from the right to complain or who withdrew the complaint, or of the person who presented the complaint has no judicial interest to present a complaint.

Article 187

187.1 A sample of the complaint presented timely, legally and complete, is sent within seven days to the opposing party by the court of the first degree complain, that can be replied with presentation of a complaint within seven days.

187.2 A sample of the reply with complaint the first degree court sends to the complainer immediately or at the latest within the period of seven days from its arrival to the court.

187.3 A reply to the complaint presented after the deadline will be dealt by the second degree court.

187.4 Statements arriving at the court after the arrival of the reply to the complaint or after the deadline for replying to the complaint will not be considered, except when the party demand additional declarations from the court.

Article 188

188.1 After receiving the reply to the complaint, or after the deadline for replying to the complaint, the court of the first degree will forward the subject will following documentation to the court of the second degree the complaint and the reply presented within a period of seven days at most.

188.2 If the complainer asses that during the first degree procedure the provisions of contestation procedures are violated, the court of the first degree can issue explanation regarding the subject of the complain relating to the violations of the kind, and according to the need it can conduct investigations aiming at verification of the correctness of the subject in the complaint.

Article 189

189.1 After the file of the subjects reaches the second degree court, the relevant judge prepares the report for the exploration of the case at the complaint court, which will judge with the court body consisting of three judges.

189.2 If necessary, the relevant judge from the court of the first instance will require a report on the violation of the procedural provisions and other missing facts mentioned at the complaint, also the judge may require necessary investigations to determine the violations mentioned or missing facts.

Article 190

190.1 The court of second instance will decide about the complaint in a session of the court body or based on the examination of the subject in a court session.

190.2 The court of the second instance determines the examination of the case, when it considers the factual state, exactly and completely by verifying new facts and receiving new proofs under the conditions set by article 180, paragraph.1 and 2 of this law.

190.3 For discussion, the court of second instance will determine a direct examination for the case even if the verdict of the first instance court was twice annulled, and in the case when the college session evaluates that the verdict against which a complaint is raised was based on essential violation of provisions of contestation procedure, or when the factual state was evaluated wrongly or incompletely.

190.4 The court of second instance can determine evaluation of the case when it estimates that for a rightful factual state is to be determined and all or partial proofs administered in the court of first instance should be considered.

Article 191

191.1 For the hearing session of the case, parties should be invited directly, respectively their legal representative or by proxy, as well as other witnesses and experts, whose hearing was determined necessary by the complaint court.

191.2 If the complainer is missing from the court, the hearing doesn't take place, while the decision will be brought based on the sayings of the complaint and the ones that respond to the complaint.

191.3 If the non-complaining side of the case doesn't attend the hearing, the court acts upon it by issuing the necessary decision.

191.4 The writ for the session informs about the procedural consequences for not attending the case evaluation.

Article 192

192.1 The case examination in front of the Court of second instance starts with detailed explanation of the relater about the case but without his/her opinion regarding the basis of the complaint.

192.2 After this, the verdict is read or just the part involving the complaint and when needed the procès-verbal on the final hearing in front of the court of first instance is read. Than, complainer justifies its complaint, while the opposing party responds to the complaint.

192.3 If there is a proof that can't be used directly, the complaining court decides to read the procès-verbal covering the part of that specific proof.

Article 193

192.1 Everything determined by this law regarding to the first instance procedure adequately can be implemented in the procedures of the second instance court.

Boundaries of the examining a court case in the first instance

Article 194

194.1 The complaint court examines the court case of the first instances in the part that complaint refers to, and that is done within the boundaries of causes shown in the

complaint, considering them in accordance to the official tasks for applying the material right and violation of provisions for contested procedure from the article 182 paragraph 2, point. b), g), j), k) and m) of this law.

Decisions of the second instance court over complaint

Article 195

195.1 The complaint court in the college session or based on the case evaluation done directly in front of it can:

a) disregard the complaint that arrives after the deadline, it's incomplete or illegal;

b) disregard the case and reject the claim;

c) can disregard the decision and return the case for re-trial in the court of the first instance;

d) reject the complaint as an un-based one and verify the decision reached;

e) change the decision of the first instance.

195.2 The court of the second instance is not linked to the proposal submitted in the complaint.

Article 196

The complaint that is late, incomplete or not allowed can be dismissed by the second instance court with a verdict, if it wasn't done initially by the court of the first instance (article 186).

Article 197

197.1 The court of second instance in the college session, or based on the evaluation of the case done with a verdict can revoke the decision of the first instance court and the case is returned for a retrial to the court of the first instance, if it is considered that there is one of these causes mentioned in the complaint:

a) if in opposition with provisions of this law, the court has issued a decision based on confession or the decision was issued based on withdrawal from the request for charge;

b) if any of the opposing parties with an illegal act, especially for an irregular invitation the party was not given the opportunity to attend the hearing and this act had influenced issuance of legal and rightful decision;

c) if the court has brought a decision without conducting a key hearing of the judicial issue;

d) if a judge who according to the law should be discharged from the trial participated in bringing the decision.

Article 198

198.1 If the second instance court considers that the first instance court has decided about a request which doesn't fall under judicial competencies, a request for which a litispendence exists in a different trial, or for which there is a court ruling of decree absolute, or for which the party that raised charges withdrew, or for which there is a court consent than this court can revoke the decision of the first instance and reject the charge.

198.2 If the second instance court considers that during the procedure of the first instance there was a presence of the person that can not act as an intermediate party, when a legal entity was represented by a person not authorized as their legal representative, or if the party with no legal background wasn't represented by their legal representative or when the legal representative, the one with proxy or the one for conducting specific procedural acts wasn't authorized respectively the act weren't approved by their client, the court can revoke the decision of the first instance and reject the charge.

198.3 When the second instance court revokes the decision of the first instance court and the case is sent to the same for retrial, the court can decide that another judge resides over the case.

198.4 The justification part of the verdict, which revokes the decision of the first instance, should show which provision of the contested procedure are violated and what consists that violation.

Article 199

Immediately upon arrival of the case from the second instance, the court of the case should set a preliminary session or trial session for the main hearing, which should take place within thirty (30) days of the decision arriving from the second instance court, the court should also conduct all procedural actions, reexamine all contesting issues offered by the court of the second instance in their verdict.

Article 200

The court of the second instance through a decision will reject the complaint as un-based one, thus verifies the decision of the first instance court if it decides that there are no causes that affect the decision, nor causes for which it's is entitled to deal according to the official task.

Article 201

201.1 The second instance court can change the decision of the first instance court in the college session, or on the basis of examination of the main issue directly through a decision, if it decides that one of the under mentioned causes are presenting the complaint:

a) if it considers that there is a violation of the provisions of the contestation procedures expect the ones mentioned in the article 197 of this law;

b) if in the college session through a different evaluation of the writ and proofs received indirectly, it ascertains different factual circumstances from the ones in the decision of the first instance court;

c) after direct examination of the case, based on new proofs, or based on newly possessed proofs administered by the first instance court, it ascertains different factual circumstances from the ones in the decision of the first instance court;

d) if it considers that the factual state in decision of the first instance court has over passed the charge claim through which it accepted more than requested by the charge;

e) if it has found that with the judgment of the first instance it is overrun the claim so that it is accepted more than what has been requested by the claim.

Article 202

If the court of complaint in the college session ascertains that through the first degree decision it over passed the claim for charges thus it was decided for something different than requested by the charge, therefore through a verdict the second instance court revokes the decision for the first instance and sends the case for new procedure.

Article 203

Second instance court can change the decision of the first instance court to the prejudice of the complaining party if only it complained and not the opposing party.

Article 204

In the justification of the decision, respectively the verdict, the second instance court should asses the content of the complaint which is of decision-making importance for issuing the verdict.

Article 205

The second instance court returns all writs related to the case to the first instance court with a considerable amount of samples of its decisions to be sent to the court-parties and other interested parties, as well as a sample for the first instance court. The court of second instance will do this in a period of thirty (30) days from the day the verdict was issued.

COMPLAINT AGAINST THE VERDICT

Article 206

206.1 Against verdict of the first instance court, the appeal is possible, in case this law doesn't forbid the appeal.

206.2 If this law foresees that a specific complaint isn't allowed, the verdict of the first instance can be striked through a specific complaint presented against the verdict which finalizes the processing of the case in the first instance court.

Article 207

207.1 The complaint presented within the legal deadline will restrain the verdict, if the law doesn't foresee it differently.

207.2 The verdict against which a special complaint is not allowed can be finalized immediately.

The procedure according to the complaint and the verdict of the second instance court

Article 208

In the procedure of the special appeal presented against the verdict, the provisions of this law that apply to the complaint against the verdict will be applied accordingly, except the provisions which foresee the opportunity for examining the case directly by the court of the second instance.

Article 209

209.1 In deciding on the special appeal, the court of the second instance can

a) eject the appeal as timeless, incomplete and not allowed;

b) reject the appeal as in no basis for appeal and verify it as a verdict of the court of first instance;

c) approve the appeal and change the verdict striked;

d) approve the appeal and annul the verdict brought and when needed to return the case for re-procedure.

Article 210

In the procedure of the second instance according to the special appeal, the cause for change of the verdict serves as a cause for attacking the final verdict. When the court of the second instance ascertains that there exist irregularities related to the attacked verdict, the court can acts with a no special appeal upon means determined by the article 195 of this law.

CHAPTER XIV

EXTRAORDINARY MEANS OF STRIKE (ADDRESSING)

REVISION

Article 211

211.1 Against the decision of the court of second instance, sides can present a revision within a period of thirty (30) days from the day the decision was brought.

211.2 Revision is not permitted in the property-judicial contests, in which the charge request involves money requests, handing items or fulfillment of a proposal if the value of the object of contest in the attacked part of the decision does not exceed 3, 000 €.

211.3 Revision is not permitted in the property-judicial contests, in which the charge request doesn’t involve money requests, handing items or fulfillment of other proposal, if the value of the object of contest shown in the charge doesn’t exceed 3,000 €.

211.4 Excluding, when dealt with the charge claim from the paragraph 2 and 3 of this article, the revision is always permitted:

a) food contests;

b) contests for damage claim for food lost due to the death of the donator of fond;

c) contests in work relations initiated by the employee against the decision for break of work contract.

Article 212

For revisions is decided by the Supreme Court of Kosovo.

Article 213

Presented revision is not an obstacle for issuance of the decision of absolute decree.

Article 214

214.1 Revision can be presented:

a) for violation of provisions of contested procedures from the article 188 of this law done by the procedure of the court of second instance;

b) due to wrongful application of material right;

c) due to over passing claim charge, if the irregularities were done in the procedure developed in the court of second instance.

214.2 Revision can be presented due to wrong ascertainment of incomplete of the factual state.

214.3 Against the decision issued in the procedures of the second instance, which verifies the decisions based on confession, the revision can be presented only by the causes mentioned in the paragraph 1, point. a) and b) of the paragraph 2 of this article.

214.4 Against the decisions of the second instance which verifies the decision of the first instance, the revision is not permitted due to the violation of the provisions of the contested procedures from the paragraph 1, pt. 1, of this article, unless their existence is not mentioned in the appeal, except when it is dealt with the violation which are under the official task of the second instance court and the one of the revision.

Article 215

The revision court examines the decision attacked only in the part that is attacked through revision and only within the boundaries of the causes shown by the revision, but taking care accordingly to the official obligation for rightful application of material goods right and for the violation of the provisions of the contested procedure, which deal with the ability to be a party and regular representation.

Article 216

Parties can present new facts with revision and propose new proofs only if they are not dealing with the violation of the provisions for contested procedures conducted in the procedure of the second instance court.

Article 217

Revision is presented by a considerable number of copies for the court and the opposing side to the judge of the first instance court, which issued the decision of the first instance.

Article 218

The revision presented after the legal time period, is incomplete and not allowed can be rejected by the first instance court without holding a courts session.

Article 219

219.1 A sample of a timely presented revision, a complete revision and allowed will be sent within period of seven days to the opposing party by the court of first instance.

219.2 The opposing party owns the right that within seven days starting from the day receiving the revision, answer the revision by presenting the answer to the court of first instance.

219.3 When the answer to revision was presented, or the deadline for answer to revision has passed, and the answer, if presented will be sent to the court of revision by the court of the first instance, through a judge of the second instance court within the period of seven days.

Article 220

The Supreme Court decides about the revision in a session of the judging body, only based on the official documents of the case.

Article 221

A later revision, an incomplete or not allowed one will be rejected by the court of revision, if it wasn't done by the court of the first instance within its authorizing boundaries (article 218 of this law).

Article 222

The Supreme Courts rejects the revision as ungrounded one through a decision if it ascertains that there are no causes mentioned in the revision.

Article 223

223.1 If the court of revision ascertains that there is a violation of the provisions of contestation procedures due to which the revision can be presented, except in the violations set in the paragraph.2 and 3 of this article, than it will consider the nature of violations; through a verdict it annuls partially or completely the decision of the court of the second and first instance, or only the decision of the second instance and returns the case for retrial to another judge or the same one in the court of the first instance, respectively the same or different court college in the court of the second instance, or another competent court.

223.2 In case the first or second instance procedure was decided based on the request that doesn't fall under the competences of the court, or it consists the issue judged, or from which the plaintiff has withdrawn or for which there is a judicial agreement, the revision court through a verdict annuls the decision through a revision and rejects the charge as an not permitted one.

223.3 If the first or second instance procedure as a charging party unknowingly the individual without legal background has participated as legal representative, when the legal entity wasn't represented by an authorized person, when the party without legal background wasn't represented by its legal representative, when the legal representative or by proxy of the side had no required authorization for pursuing the issue at the court or for conducting concrete procedural actions respectively when pursuing the case at the court or conducting concrete procedural actions was not approved by the side later on, than the revision court, pending on the nature of existing procedural violation acts in accordance with the provisions of the paragraph.1 and 2 of this article.

Article 224

224.1 If the court of revisions ascertains that the material good right was applied wrongfully, through a decision it approves the revision presented or changes the decision attacked.

224.2 If the court of revision ascertains due to the wrongful application of the material good, or due to the violation of rules of procedure-the factual state isn't certified completely and for that reason there are no conditions to change the attacked decision, than the court approves the revision through a verdict and annuls partially or completely the decision of the first and the second instance, or only the decision of the second instance, while the case is sent for retrial to the same or other judges of the court of the first instance or the second.

Article 225

If the court ascertains that the absolute decree decision of the court for second instance has over passed the claim charge, the court of revision with its decision approves the revision of the party and changes the decision attacked.

Article 226

The decision of the court of revision is sent to the parties through the court for second instance within a period of thirty (30) days.

Article 227

If the provisions of articles in this chapter do not foresee else wise, the procedure according to the revision will apply accordingly the provisions of this law regarding the complaint against the decision, except provisions which foresee the opportunity for holding an examination of the main issue at the court of appeal.

Revision against the verdict

Article 228

228.1 Sides can present revision against verdict of absolute decree though which the procedure in court of second instance will finish.

228.2 Revision is not allowed against the verdicts outlined in the parag.1 of this article in the contests in which revision against the decision isn't allowed.

Article 229

229.1 Revision are allowed against verdict of the court of second instance in which the appeal presented against the final verdict is dropped, respectively which verifies the verdict of the first instance on rejecting the revision presented against the final verdict.

229.2 Revision is permitted against verdict of the court of second instance through which it decided on the proposal for repeating the procedure.

229.3 Revision is not permitted against verdict on the procedural expenses.

Article 230

The procedure in accordance to the revision against the verdict applies accordingly the provisions of this law over the revision against decision.

Article 231

The court to which the case was returned for a retrial is legally bound to the judicial counts on which verdict the court of revision was based for annulment of the decision of the second instance court.

REPEATING PROCEDURES

Article 232

232.1 Finalized procedure with an absolute decree can be repeated based on the proposal party:

a) if the party with an illegal act, especially in the case of not being invited to the session, the party is not given the opportunity to part take in the examination of the main issue;

b) if in the final procedure, as a charging party or unknowingly participated the individual that can't act as an intermediate party; the legal entity wasn't represented by an authorized person, when the party without legal background wasn't represented by its legal representative, when the legal representative or by proxy of the side had no required authorization for pursuing the issue at the court or for conducting concrete procedural actions respectively when pursuing the case at the court or conducting concrete procedural actions was not approved by the side later on;

c) if the final decision of the court was based on untrue statements of witnesses, experts, or based on falsified documents or in which untrue content was certified;

d) if the final decision of the absolute decree is a result of penal act of the judge, legal representative or by proxy of the side, opposing side of the third party;

e) if the party gains the possibility to use the courts verdict of the absolute decree, which was earlier issued in the procedure developed among the same parties for the same charge claim;

f) if the final decision of the absolute decree is based on another court verdict, or on the verdict of another body while this verdict was changed, revoked or annulled by an absolute decree;

g) if the party is aware of other facts or finds new proofs, or gains the opportunity to get a more favorable verdict if these facts and proofs were used in the earlier procedure.

Article 233

233.1 Due to the reasons shown in the article 232 point. a) and b) of this law, the repetition of the procedure could not be required if they are used successfully in the previous procedure.

233.2 Due to the reasons shown in the article 232, point. g) of this law the repetition of the procedure can be asked only if the party without fault of its own could not present these circumstances before the previous procedure ended in the court verdict of absolute decree.

Article 234

234.1 Proposal for repeating the procedure is presented within the period of thirty (30) days and that:

a) in the case of article 232, point a) of this law, from the day when the verdict of absolute decree was handed to the party;

b) in the case of article 232, point b) of this law if as a charging party or unknowingly participated the individual that can't act as an intermediate legal party-from the day the verdict was handed to the persons;

c) in the case when the legal entity wasn't represented by an authorized person, when the party without legal background wasn't represented by its legal representative-from the day when the verdict was handed to the party, respectively its legal representative or when the legal representative or by proxy of the side had no required authorization for pursuing the issue at the court or for conducting concrete procedural actions-from the day when the party was aware of the reason;

d) in the case of article 232, point c) of this law–from the day which the party is aware of the absolute decree decision;

e) in the case of article 232, point d) of this law – from the day the party became aware of the criminal verdict of the absolute decree, and if the criminal procedure could not be conducted, than from the day when the party was aware of the suspension of the criminal procedure, or for the circumstances for which the criminal procedure couldn't be initiated;

f) in the cases from the article 232, point e) and f) of this law- from the day in which the party could use the verdict of absolute decree that is a cause for repeating the procedure;

g) in the case of article 232, point g) of this law-from the day in which the party could present new facts to the court respectively new proofs;

234.2 If the deadline set by the paragraph 1 of this article starts before the verdict of the absolute decree is issued, the deadline will be counted from the moment in which the verdict becomes absolute, in case there is an appeal against, respectively from the day of issuance the verdict of the absolute decree by the highest court issued at the final instance;

234.3 After a five year deadline passed from the day when the verdict became absolute, the proposal for repeating the procedure can be presented, except the repetition is required from the causes mentioned in article 232, point a) and b), of this law.

Article 235

The court for second instance decides upon the proposal for repeating the procedure, and that would be an individual judge who did not part take in issuing the verdict of the second instance in the previous procedure.

Article 236

236.1 The proposal for repeating the procedure is presented to the judge that issued the verdict of the first instance.

236.2 The proposal should show: legal basis for support of which the repetition of the procedure is asked for, circumstances from which results that the proposal was presented within the legal time period and the proofs by which the proposed saying are justified;

Article 237

237.1 Proposal for repeating the procedure presented after the deadline, is incomplete and not permit able is rejected by the court of the first instance through a verdict without a court hearing.

237.2 If the court of the first instance doesn’t reject the proposal, a sample is sent to the opposing party which has a right to reply within a period of fifteen (15) days.

Article 238

After the response regarding the proposal has reached, or after the deadline for responding to the proposal has passed, the court sends the proposal, with the response if presented, including all official documents related to the case to the court of the second instance within a period of eight (8) days.

Article 239

239.1 The court of second instance usually decides over the proposal for repeating the procedure without an examining session.

239.2 If the court concludes that it is necessary for an examination of the kind, it will act in accordance to the provisions of the article 191 and 193 of this law.

Article 240

240.1 Once the court of second instance decides over the proposal for repeating the procedure, it sends to the court of first instance a sufficient number of samples of the decision, the case file and other official documents related to the case.

240.2 The verdict which permits repetition of the procedure emphasizes the decision which annuls the one issued in the previous procedure.

240.3 Appeal against the decision of the court of second instance which approves the proposal for repeating the procedure is not allowed.

240.4 The appeal against the decision of the court of second instance which rejects the proposal for repeating the procedure is presented to the same court, which based on the appeal decides a judging body consisting of three judges.

Article 241

241.1 In the repeated procedure of the first instance court, the judge that participated in the decision in the previous procedure.

241.2 The court of the first instance set the preliminary session immediately after the verdict of the court of second instance was issued, at the latest within a period of eight (8) days.

RELATIONSHIP BETWEEN REVISION AND PROPOSAL FOR REPEATING THE PROCEDURE

Article 242

242.1 In case the party presents the proposal for repeating the procedure within the period set only due to the causes for which the revision can be presented it will be considered that the revision was presented.

242.2 If the party presents the revision because in the first or second instance procedure was decided over the requests for which there existed a verdict of absolute decree, or for which requests the plaintiff has withdrawn in a previous procedure, or for which procedure there was a court agreement, at the same time or later present the proposal for repeat of the procedure, for whichever reason mentioned in the article 232 of this law, the court will stop the procedure based on the proposal for the repeating of procedure until the procedure is finalized according to the revision.

242.3 If the party present the revision for any of the reasons, except in the cases mentioned in the above paragraph, at the same time or later presents the proposal for repeating the procedure, for the causes mentioned in the article 232, pt. c) and d) of this law argumented through a criminal decision of the absolute decree through court will

stop the procedure in accordance to the revision until the procedure related to the proposal for repeating the procedure is not finished.

242.4 In all other cases in which a revision is presented by the party, and at the same time or later it presents the proposal for repeating the procedure, the court will decide for which procedure it will continue and which it will stop, with regard to case circumstances, especially the causes by which the two means of attack and proofs proposed by the parties are presented.

Article 243

243.1 Provisions of the article 242, parag.1 and 3 of this law will be applied even when the party presented the proposal for the repeat of the procedure and after this it proposed the revision.

243.2 In all other cases in which the party presents the proposal for repetition of the procedure and after this it presents the revision, the court usually stops the procedure according to the revision until the procedure hasn't finished according to the proposal for repeating the procedure, except when it ascertains that there are justified causes for acting differently.

Article 244

244.1 The verdict from the article 242 of this law is issued by the judge of the court of first instance if the proposal for repeating the procedure reaches the court of the first instance before the case based on revision is sent to the court for revision.

244.2 If the proposal for repeating the procedure reaches the court of the first instance after the case is sent to the court of the revision, the verdict of the article 242 of this law is issued by the court of the revision.

244.3 The verdict from the article 242 of this law is issued by the judge of the court of first instance, except if the case in the time when revision reaches the court of first instance according to the proposal for repeating the procedure is sent to the high court for decision, in which case the verdict is issued by the high court.

244.4 Against the verdict from the parag.1 and 2 of this article appeal isn't allowed.

REQUEST FOR PROTECTION OF LEGALITY

Article 245

245.1 Against verdict of absolute decree the public prosecutor might raise the request for legal protection within three months. The term for raising the request for legal protection from paragraph 1 of this article is considered:

a) against the decision taken in the first instance, against which there was made no complaint from the day this decision could be opposed by claim;

b) against he decision taken in the second instance, against which is declared the revision from the day this decision was taken to the party delivered at the latest.

245.2 Against decision from paragraph of this article, issues it in the second instance, against which the parties have declared revision, the public prosecutor might raise request for protection of legality only within thirty (30) days from the date the revision was delivered to that party, revision of which was sent earlier.

245.3 The request for protection of legality is not allowed against the decision that was taken during revision or request of protection of legality by the court with competencies to decide for judicial means.

Article 246

The request for protection of legality against the decision from article 245 of this law is raised by public prosecutor, in compliance with this law.

Article 247

247.1 The public prosecutor may raise the request for protection of legality:

a) for basic violence of provisions of contested procedure, if the violence has to do with territorial competencies, if the court of the first instance has issued a verdict without main proceeding, while it was its duty to held a main proceeding, if decided for the request, on which the contest is continuing, or if is in contradiction with the law, the public is excluded from the main proceeding;

b) for wrong application of the material right.

247.2 Public prosecutor can not raise a request for protection of legality because of the claim but not because of a wrong attestation or non complete facts.

Article 248

Based on provisions of this law the competent court in order to decide for the request for protection of legality shall act even when concludes that there was basic violence of provisions of contested procedure that was done in the procedure before the court of the first instance.

Article 249

If against the same decision was submitted the revision as well ass the request for protection of legality, the competent court shall decide on judicial means by a decision.

Article 250

For the proceeding in which the court shall decide related to the request in protecting the legality the competent public prosecutor shall be notified.

Article 251

When the court decides for request of protection of legality, it shall be limited only in examining the violence emphasized by the public prosecutor in its request.

P A R T T W O

TRIAL IN THE FIRST INSTANCE

CHAPTER XV

RAISING CHARGES

Article 252

The trial of the case in the court starts with the written claim charge (claim of obligation, certification or change).

Content of the claim

Article 253

253.1 Claim consists of:

a) request set in accordance to the main issue and accessing requests;

b) proofs upon which the plaintiff based the request;

c) proof that certify the facts;

d) value of the contest;

e) judicial base, and

f) other data that should be part of each submission (article 99).

253.2 The court is bound to the judicial basis of the claim charge.

253.3 The court should act according to the claim even when the plaintiff hasn't shown the judicial basis of the claim charge.

253.4 The plaintiff should attach the certificate of the paid court taxes to the claim.

253.5 If the plaintiff doesn't pay the court tax determined for the claim even after the notice is sent by the court, through there are no reason for freeing the plaintiff from paying the tax, the claim will be considered as withdrawn.

Claim for certification

Article 254

254.1 The claiming party can request through a claim charge from the court to certify the existence, respectively non-existence of a right, a judicial report or certification of genuineness of a document.

254.2 Claim of the kind can be raised when this is determined with specific disposition or when the plaintiff has a judicial interest that the court should validate the existence or non-existence of a right or a judicial report, or validate genuineness respectively non-genuineness of a document before there is a request filed for presentation from the same report.

254.3 If the verdict over a contest depends from the fact that there is or isn't a right o a judicial report which during the processing of the claim was contested, the plaintiff could through the existing request present the claim charge for the court to validate such report exists, respectively doesn't exists, if the court which is dealing with the processing has the competencies for those requests.

254.4 Submitting a request according to the disposition of the parag.3 of this article will not be considered an objective change of the claim.

Inclusion of several claim charges in the claim

Article 255

2551 In one claim charge the plaintiff can include several claims against the same party if they are connected to each other on factual and judicial grounds.

255.2 If the requests are not related to each other on factual and judicial grounds, they could be included in one claim against the same opposing party only if the same court is responsible for each of the issue in the requests, and if for each of this claims a similar

procedure is determined, while the court decides that inclusion of all requests in one contributes to the economic rational of the proceedings (cumulative gathering of claim requests). If the act doesn't benefit to the economic rational of the proceedings, the court through a verdict at the preliminary session at the latest decides to separate the requests.

255.3 The plaintiff can include two or more claims related to each other into one claim charge, and the party can request from the court to approve the second din the row only if the first one is rejected (gathering of claim charges).

255.4 Gathering the claim into one charge can de done through the parag.3 of this article only if all the charges included into one claim fall under the competencies of the court the request was presented to, and if all the claims have a similar proceeding.

255.5 The decision that approves the claim charge resolves the court dependence created with regard to the claim charge in number 2.

Counter charge

Article 256

256.1 The accused party is obliged to raise a counter charge before the preliminary session hasn't finished, respectively the first session for the main hearing if the preliminary session didn't take place, if:

a) request for counter charge is related to the claim (conic counter charge);

b) between the claim charge and counter charge a compensation can be done (compensating counter charge),

c) counter charge requests validation of a right or a judicial report on the existence or non-existence from which it depends completely or partially the verdict on the claim charge (prejudicial counter charge).

256.2 After holding the session from the parag.1 of this article, the counter charge can be raised only with consent of the plaintiff.

256.3 Te counter charge can not be presented if for the processing of the counter charge if responsible a court of a different kind.

256.4 In the case of the paragraph a), pt. 1 of this article, the court can decide distribution of the proceedings according to the counter charge from that of the plaintiff if this is required by the causes of the court economy.

Changing the claim

Article 257

257.1 Changing the claim means change of the uniqueness of the claim charge, expansion of the claim charge or presentation of a different request from the existing one.

257.2 The charge is not recognized a changed one unless the plaintiff hasn't changed the judicial basis of the claim charge, even though the plaintiff has reduced the claim charge, added or improved the specific sayings mentioned in the claim.

Article 258

258.1 The plaintiff can change the claim at the latest before the finalization of the preliminary hearing or until the beginning of the session for the main hearing of the case if the preliminary session wasn't set. In these cases the court should give the charged party sufficient time to prepare for examining of changed charge.

258.2 After the preliminary session, at the latest till the closure of the main hearing of the case, the court should allow changes to the claim charge if it ascertains that the change is not aimed at the prolonging the proceeding and if the charged party agrees to the change of the claim.

258.3 It is considered that the charged party will agree to the change of the claim if the charged party participates in the examining of the case with a changed claim charge, without opposing earlier the changes.

258.4 The court in the case of the parag.2 of this article allows the change of the claim even if the charged party opposes the changes if these conditions are met;

a) plaintiff, with no fault of his own could not change the claim earlier;

b) charged party can attend the case hearing with a changed claim without postponing the main hearing.

258.5 If the charge was changed in the session where the charged party wasn't present, the court should postpone the hearing and send a copy of the records of this hearing to the charged party.

258.6 Special complaint against the verdict, which allows or forbids the change, is not allowed.

Article 259

If the plaintiff changes the claim by requesting something else on the same factual basis or sum of money, the charged party can reject the change if the change is a result of new created circumstances after the charges were raised.

Article 260

260 If the conditions determined by the article 258 are met, the plaintiff can change the claim so instead of the first charged party puts another party.

260 For changing the claim as determined by the above paragraph of this article it is required the consent of the person who will enter the court as a charged one, and in cases when the hearing has started and the charged party already has participated in the main hearing, his consent is required as well.

260.3 The person entering the trial instead of the charged party should accept it in the same circumstances as from the moment the person enters in the court.

Article 261

261.1 Plaintiff can withdraw the claim without the consent of the charged party until the moment when the charged party presents an answer to the charge to the court.

261.2 The charge can be withdrawn later until the finalization of the main hearing, if the charged party agrees to the withdrawal. If the charged party issues no statement for withdrawal of charges against him/her within seven (7) days from the day informed, it is ascertained that the party agrees to the withdrawal of charges.

261.3 If the claim was withdrawn, the court issues a verdict which ascertains that the claim was withdrawn. This verdict is sent to the charged party only if the charge was delivered to them as well.

261.4 Complaint isn’t allowed against the verdict that ascertains that charges have been withdrawn.

261.5 A withdrawn complaint is considered that it wasn’t presented ever and as such can be presented to the court later on.

Existence of Litispendence

Article 262

262.1 Litispendence is created at the moment when the charged party was handed the charge.

262.2 With regard to the request presented by the party during the proceedings, the litispendence is created at the moment when the opposing party is informed for a request of the kind.

262.3 During the existence of litispendence for the same claim charge a new trial between the same parties can not be initiated. And in case it happens than the court will reject the charge.

262.4 The court during the procedure will look into the existence of a trial on the same claim charge between the same parties, as required by the official role.

Article 263

263.1 If one of the parties during the procedure alienates the item or the right requested by the claim, the act will not obstruct the proceeding to end between the same parties.

263.2 The person that gains an item or the right during the trial can enter the procedure, instead of the plaintiff or charged party only with consent from both parties.

263.3 In the case of the parag.1 of this article, the decision produces effects toward the winner of the good or the right during the trial process.

CHAPTER XVI

Litisipendence

Article 264

264.1 The claim can be raised jointly by many plaintiffs or against several parties (litispendence) if:

a) if the building at contest is a legal unit or if their rights, respectively obligations come from the same factual or judicial base (material litispendence);

b) the object of contest are request, respectively obligations of the same kind that are based on factual and judicial grounds essentially the same, and if there is subject and territorial competence of the same court for each request and for each charged party (formal litispendence);

c) something of the kind is foreseen by a different law.

264.2 The plaintiff can be joined or expand the charge by another plaintiff with his consent up to the closure of the preliminary session, respectively the main hearing session if the preliminary session was not set, according to the conditions of the parag.1 of this article.

264.3 Person joining the plaintiff, respectively the person with whom the charges are expanded should accept the procedure as it from the moment entered.

Article 265

265.1 The plaintiff could include in the charge two or more parties, and can ask for the claim charge to approve the charges against the person number 2 if the charges are rejected as un-based for the person number 1. (litispendence with an eventual charged party).

265.2 As determined by the paragraph 1 of this article, the plaintiff could add in the charge two or more parties if against each of them it is presented the same charge, or if against one of them it is proposed different charge but related to the first charge, or if each of the requests proposed are under the competencies of the same court.

Article 266

266.1 The person who partially or completely requests the item or the right, which is related to the procedure in development between the two litispendent can sue the parties at the court dealing with the case through his claim up to the closure of the procedure with a verdict of absolute decree (main interference).

266.2 If the court decides to stop the proceeding of the first claim, than the decision by which the claim charge of the main interferer is approved has prejudicial importance for the trial according to the first charge.

Article 267

Main debtor and warrantor could be charged together if this is not against content of the contract for warranty.

Article 268

Each litispendence in the contested process is parties in its own, while the procedural actions committed or not do not, are not in favor or against other litispendence.

Article 269

269.1 If according to the law or due to the nature of the judicial relations, the contest can be resolved only in the same way for each of litispendence, than all of the are considered as a sole litidependent party, so when one of the joint litispendent doesn’t conduct a procedural action, the effects pf the procedural actions committed by other litidependentts covers the ones who haven’t committed the same acts.

269.2 If the litidependent conduct procedural actions that differ among them, than the court will consider that procedural action that is the most favorable one for all.

Article 270

270.1 If the deadlines for conducting the procedural actions set are different in time for the litidependence and the unique litidependence, that procedural action can be implemented by any of the litidependets until the deadline for finishing it is due.

270.2 Each of the litidependents has the right to propose regarding direction of the court process.

CHAPTER XVII

Participation of third parties in the contestation process

Article 271

271.1 One can interfere in the contestation procedure being developed between different persons, if there is judicial interest to support one or the other litidependent side with which is joined to assist in the trial.

271.2 The interferer can enter the court process during the entire procedure that ends with a verdict of the absolute decree over the claim charge, as well as during the procedure initiated with extraordinary measures of attack.

271.3 The statement for entering a contestation procedure the interferer can be done in written outside of the session or verbally in the court session.

271.4 The submission of the third party is sent to both parties of case, while when the statement of the third party is issued in the court session than the specific part of the process-verbal is sent only to the party not present in the session.

Article 272

272.1 Each of the sides can contests the right of the third party to engage in the trial and can propose their refusal.

272.2 Until the verdict which refuses participation of the third party in the trial receives the absolute decree, the third party can participate in the procedure and the procedural actions committed by can not be rejected.

272.3 A special appeal against the verdict of the court, which approved participation of the third party, is not allowed.

Article 273

273.1 Third party is obliged to accept the contestation procedure as it is from the moment of entering in the trial as a third party. During further procedure, the third party has the right to present proposal and conduct other procedural actions within the time period in which these action could be conducted by the party it is joining to.

273.2 If the third party has entered the contestation procedure after the verdict over the claim charge became absolute, the party owns the right to present the extraordinary measure of strike against the verdict.

273.3 If the third party presents the measure of strike against the verdict than a sample of his strike will be sent to the party it is joining so the act could be supported during the trial of the case.

273.4 Procedural actions committed by the third party have a judicial effect for the party the third one is joining too, only if they're not against the procedural actions of the first one.

273.5 With consent of both parties in the case the third party has interfered in the court to take the place of the party the third one is joining, so the first one can get out of the court.

Article 274

274.1 If the judicial effect of the decision can extend over the third party, than the latter one holds the unique procedural position as the party it's joining in a contestation procedure during the proceedings of the case (article 275).

274.2 The third party with a unique procedural position as the party it joined can present the extraordinary measures of strike in a contestation procedure in which the party didn't participate until the moment when it became a verdict over a claim charge of absolute decree.

Nomination of judicial predecessor

Article 275

275.1 The charged person as the owner of an item or as a user of a estate right that pretends that the item at his position, respectively using the right on behalf of the third party can invite a third party (judicial predecessor) for replacement as a charged party through the court, at the latest during the preliminary session an dif this hasn't take place than for the main hearing of the case.

275.2 Consent of the plaintiff for the judicial predecessor to enter the trial instead of the charged party is necessary only if the plaintiff against the charged presents requests that the charged do not depend on holding or not holding ownership on behalf of the predecessor, respectively exercise or not the specific right on behalf of the judicial predecessor .

275.3 If the judicial predecessor was invited regularly to attend the court session or refuses to enter the contestation procedure instead of the charged party, than the latter can not oppose participation in the examining of the raised issue with a charge against him.

Notification of the third party for the court session

Article 276

276.1 Each party can invite a person to the trial of the case, with whom it is though of having a joint issue, or for which it can be asked a guarantee or a ward related to the finalization of the issue.

276.2 The third party is invited to appear at court before the finalization of the trial with a verdict of the absolute decree by a written request. The statement of the kind, which sent to the third party through the court of the issue, shows the reason for invitation and the conditions in which the contestation procedure is.

276.3 The party that informed the third person for the court session for this reason cannot ask acquaintance of the trial, postponement f the session or extension of deadlines for conducting procedural actions.

CHAPTER XVIII

Acquaintance for the trial and recess of the trial

Article 277

277.1 The trial process is acquitted:

a) when the party dies or looses procedural capabilities and doesn’t have a representative by proxy at the court;

b) when the legal representative of the party dies or the authorization for representation ended, and the party doesn’t have a representative set by proxy in the court;

c) when the party which is a legal entity sizes it existence, respectively when the competent body issues an absolute decree for stopping his work;

d) when the proposal is presented for initiation of the bankruptcy in the contests in which the charged if the bankruptcy debtor;

e) when due to the war or other causes the court size its work;

f) when the court closure is determined with other law.

Article 278

278.1 Except the determined cases with this law, the court stays of proceeding:

a) if it decided not to resolve the preliminary issue (article 13);

b) if the party is in the zone in which due to the extraordinary causes (floods, earthquakes, etc) has no contacts with the court.

278.2 The court can determine to stay of the proceedings if the verdict over the claim charge depends on the fact that an economic crime is done, or the criminal act pursued according to the official task,-who is the actor and if he is responsible, especially when there is a doubt that the witness or the expert has given a untrue statement, or that the statement used as proof is untrue.

Article 279

279.1 As a result of the acquaintance of the trial the deadlines for conducting procedural actions are not met.

279.2 During the period that the court proceedings have stopped, the court cannot conduct any procedural actions, but if the intermission has been caused after the main hearing session of the case the court can issue a verdict based on the material from the proceedings during the examination of the case.

279.3 Procedural actions committed by one of the parties during the period of court being off the proceedings do no produce any judicial effects against the opposing party. Their impact starts only when the proceeding of court that has been in recess continues.

Article 280

280.1 The procedure stopped for causes shown under the article 277 paragraph 1 point a) – d) of this law will continue when the successor, or tutor of the inherited wealth, the legal representative, bankruptcy administrator pr judicial successor of a legal entity take over the procedure or when they are called by the court to do that with proposal of the opposing party.

280.2 Procedure stopped due to the reasons mentioned in the article 277 paragraph 1 point e) of this law, will continue its development after a moratorium is annulled by the bankruptcy court.

280.3 If the court has stopped the proceeding due to the reasons mentioned in the article 278, parag.1, pt. a and paragraph 2 of this law, the trial will continue after the procedure

of the absolute decree ended with the court or another competent body, or when the court of the case ascertains that there are no existing reasons to wait it's finalization.

280.4 In all other cases a trial off the proceedings will continue with a proposal of the party after the causes that imposed the stopping have been removed.

280.5 Deadlines not met due to the court staying off proceedings for the party interested will start again from the day the court has sent a verdict on continuation of the court.

280.6 The party that hasn't presented proposal for continuing the trial will be sent a verdict for continuation according to the provisions of the article 110 of this law.

Article 281

281.1 The appeal against the verdict which ascertains (article 277), or determines (article 278) halt of the proceeding will not stop the execution of the verdict.

281.2 In the cases of which during the court session the court rejects the proposal for halting the proceeding and decides for the trial to continue immediately, a special complaint against this verdict isn't allowed.

Article 282

282.1 Court recess is caused when the party dies, or size to exist, or when the objects of contest are the rights that cannot be passed to the successors of the party, respectively to party's judicial successor.

282.2 In the cases of the parag.1 of this article, the verdict for the court recess is sent to the opposing party, successors, respectively judicial successor of the party after they are set.

282.3 The successors of the dead party according to the proposal of the opposing party or according to the official task are nominated a temporary legal representative by the court, which sends a verdict for the court recess if it ascertains that the inheritance procedure may last longer.

282.4 The verdict on court recess issued due to the end of the legal entity is sent to the opposing party and judicial successor of the legal entity, if the latter exist.

282.5 Until there is an absolute decree verdict on court recess, the provisions on the court recess will be applied for the deadlines for conducting judicial activities, rights of the parties and actions of the court.

CHAPTER XIX

Judicial assistance

Article 283

283.1 The courts are obliged to assist each other judicially in the matters of the contestation processes.

283.2 In case the court requested is not competent for conducting actions asked for, it should forward the request to the competent court, respectively to the other state body and for which it should notify the court from which the requests was initiated. If the requested court is not aware of a competent court, respectively of another state body, the requested body should return the request to the court of the issue.

Article 284

284.1 The courts give judicial assistance to foreign courts through the international contracts, as well as when there is reciprocity for judicial assistance. In case there is a doubt on the reciprocity, information is given from the respective Ministries.

284.2 The court will not offer judicial assistance to a foreign court if the latter one requests conducting actions against judicial order. In those cases, the requested court should send the request to the Supreme Court which will issue a definitive decision.

Article 285

The court offers judicial assistance to a foreign court according to the ways foresee with the law of the country. The procedural action, that is an object of the foreign court request can be done in the way the foreign court requires if that of kind of procedure isn't in opposition with the legal order.

Article 286

If the international contract doesn't determine differently, the courts will take in proceeding the requests for given judicial assistance to the foreign court only if they are sent through diplomatic means, and if the requests and official documents are attached and drafted in the official language of the court, or if translation of the documents is legalized in official language.

Article 287

If the international contract doesn't determine it differently, the requests of local courts for judicial assistance are sent to the foreign court via diplomatic ways. The requests and

official documents of the local courts attached are drafted in the official language of the foreign country, or their translation of the documents is legalized in official language.

CHAPTER XX

Disrespect of the Court

Article 288

288.1 The court during the proceedings will fine the party, legal representative, representative by proxy or intermediate with 500 Euros, if the procedural actions have misused the rights known by this law.

288.2 If through that procedural action from the parag.1 of this article any of the participants in the proceedings was caused a damage of judicial-civil nature, with request from the damaged side the court decides for compensations of the damage in the same process.

Article 289

289.1 A fine of 100- 500 Euros is issued by the court to the party or other participant in the proceeding who insults the court through a submission.

289.2 If the participant in the procedure or the person present where the session for the examining of the case takes place insults the court or other participants in the procedure, obstructs the work or doesn't respect orders of the judge for order and quite, the court can If the participants in the procedure or other participant in the session where the case is developed insults the court or any of the participants in the procedure, obstructs the work and disrespects the orders of the judge for peace and order in the court, the court will warn him/her. If the warning is unsuccessful one the court will remove the person from the court or fine the person up to 500 Euros, or both.

289.3 If the party or its legal representative by proxy goes out of the courtroom, the session will continue without their presence. If the representative by proxy of the party during the process development continues to act as determined in the paragraph 1 and 2 of this article, the court will deny the right to be a representative of the party.

289.4 When the court fines or removes from the courtroom the lawyer or the representative by proxy, it will inform the chamber of advocates.

Article 290

The court fines up to 500 € the representative for accepting submission who against disposition of the article 118 of this law doesn't inform the court for change of address.

This representative, through a request from he party the court obliges with damages caused for not informing without a justification for change of address

Article 291

291.1 The person who without a reason refuses to accept a written submission, as well as if one obstructs the other to accept it, this way obstructing or making difficult the application of provisions of this law on handing written submissions, the court fines with 500 Euro.

291.2 At a request of the party, the court obliges the person by the parag.1 of this article to pay fir the expenses caused by his standing as determined in the parag.1 of this article.

Article 292

292.1 If the witness was called and doesn't appear to the court without a justified reason, or without permission, or a justified cause leaves the country where should be heard, the court will order the appearance of the party with force as well as cover all expenses, and a fine of 500 Euro.

292.2 If the witness appears at the session, and though warned on the consequences for not testifying refuses to do so or respond to the concrete questions, while the court calls the reasons for refusal as unjustified will fine the person up to 500 Euros, in case the person refuses after this to testify, the court can imprison the person. The time in prison lasts until the witness agrees to testify, or until his testimony is not needed anymore, but no more than thirty (30) days.

292.3 With a request from the party, the court decides that the witness is obliged to cover the expenditures caused by his unjustified not appearance, respectively the unjustified refusal to testify.

292.4 If the witness justifies his absence later on, the court can revoke completely or partially the verdict on punishment, or free the witness completely or partially from paying the expenses. The court can revoke the verdict on the punishment even when the witness has agreed later on to testify.

Article 293

293.1 The court can fine up to 1000 Euro the expert who without justified reason doesn't hand his opinion within the deadline set, or who without reason doesn't attend the session for which was invited regularly.

293.2 With the punishment as in parag.1 of this article, the court punishes the expert who without reason refuses the expertise.

293.3 With request from the party, the court may oblige the expert to pay for the expenses caused for not submitting the document that contains the expert's opinion, without justification respectively refusing the expertise without justification.

293.4 The verdict on the punishment for the expert can be revoked by the court under the conditions of the article 292, paragraph 4 of this law.

293.5 Provisions of this article are applicable in the court interpretation.

Article 294

If the person fined according to the provisions of this law doesn't pay the fine within the deadline, he will be replaced with a prison punishment which will last in proportion with the amount of the fine issued, as it is determined by Penal Code but not more than thirty (30) days.

Article 295

295.1 The complaint against the verdict in the article 288, 289, 290 paragraph 1, 292 parag.1 and article 293 parag.1 of this law will not postpone execution of the verdict.

295.2 The complaint against the verdict from the article 292 paragraph 2, and article 293 paragraph2 of this law do not obstruct the execution of the verdict, except when in the complaint is being attacked the decision of the court, which doesn't approve the reasons of the witness for not giving a statement or for answering concrete questions, respectively the reasons of the expert for not fulfilling the expertise.

CHAPTER XXI

INSURING THE CHARGE CLAIM

Article 296

296.1 Decision over a proposal for insurance before the charges are raised for initiating a contestation procedure or during that procedure is done by the court which acts according to the claim. The verdict over the amount of insurance is issued by the court which acts in the first instance, while the highest court will issue it when the proposal for issuing the verdict is presented after the case file is sent according to the complaint in this court.

296.2 After the decision over the claim charge is an absolute decree one it is decided by the competent court for deciding over the charge claim of the first instance.

Article 297

297.1 Measures for insurance can be determined:

a) if the propose of the insurance makes it believable the existence of the request or of his subjective, and

b) in case there is a danger that without determining a measure of the kind the opposing party will make it impossible or make it difficult the implementation of the request, especially with alienating of its estate, hiding it, or other way through which it will change the existing situation of goods, or in another way will negatively impact on the rights of the insurance party that proposed.

297.2 If it's not determined differently by law, the court will determine the measures of insurance within the set deadline by the court as it is determined by the Law for the final procedure, it will issue guaranties on the measure and the type specified by the court for the damage that can be caused to the opposing party by determining and executing the insurance measures.

297.3 If the party proposing doesn't give guaranties within the set deadline, the court will reject the proposal for determining the insurance measures. With request of the party that proposed it, the court can dismiss him from the issuing of the guaranties if it ascertains that there are no financial possibilities for such thing.

297.4 The units of the local government are excluded from the obligations of the paragraph 3 of this article.

Article 298

Guarantees from the article 297 of this law will return within a period of seven (7) days from the date when the insurance is removed. In the meantime if the party proposing claims a charge for compensation of damage, the competent court for the charge will decide over the measures of insurance to remain in power.

Article 299

299.1 For insuring the money requests these measures can be set:

a) stopping the objector of the insurance from alienating, hiding, indebting or holding a wealth set for the sufficient amount for securing the request of the party that proposed. This restriction will be registered in the public record.

b) keeping a wealth related to the restriction from the above point from the court in its provisions. When possible or when given in the possession of the party that proposed the insurance or third party;

c) restricting the debtor of the insurance objector so the latter will have his request fulfilled or handed the good, as well as stopping the objector of the insurance to accept the good, to implement the request or own it;

d) pre-notification of the right for pawn for the real estate of the objector of the insurance, or on the registered right for the real estate, an item in the value of the main request, with interest and procedural spending for which was issued a decision not in force yet.

299.2 The verdict that issues the measure if insurance is sent to the objector of insurance, the debtor of the objector of insurance, and when is the case register in the public records. Te measures of insurance is considered applied from the moment when the verdict is handed to the objector of the insurance or debtor, if it's handed to the latter, or registered in the public records depends on which of these three dates of handing is timely earlier.

299.3 In the areas where there are no public records, the measures of insurance from this article will be applied by applying the rules of proper procedures in the Executive procedures.

Article 300

300.1 For insuring the request aimed at the directed item or at part of it, these measures could be applied:

a) forbidding the objector of the insurance to alienated, hide, indebting or holding the wealth on which the request was directed. The forbidding will be registered in the respective public record.

b) custody of the wealth referring to the point a) of this paragraph and the one to be deposited in the court, if that is possible, or if it is handed to the party that proposed the insurance of the third person,

c) forbidding the objector of the insurance to commit act, which could damage the part of the wealth toward which the request was sent, or the order against the objector of the insurance to conduct action for protecting the wealth, and protecting the existing situation of the goods,

d) authorization of the party that proposed the insurance to conduct set activities.

300.2 Provisions of the parag.2 and 3 of the article 299 of this law are applied in the case of acquiring the request aimed at the set item or part of it.

300.3 Measures of security from this article can not be included completely in the request that is ensured through them.

Article 301

301.1 For insuring their rights or preserving existing circumstances, these measures can be set:

a) forbidding the objector to commit specific activities aimed at preserving existing situation or not allowing damaging from the opposing party;

b) authorization of the insurance party that proposed for conducting specific activities;

c) leaving the wealth of the insurance objector for saving or care to the third party; and

d) other measures set by the court as necessary for insuring the claim charge of the party that proposed the insurance.

Article 302

302.1 The objector of the insurance who act against the verdict for forbiddance of alienation, hiding, indebting or availability of the estate is responsible according to the rules of the civil rights. After the forbiddance is issued, and up to the moment it is in effect the registration in public records is not possible for any changes of the rights created on basis of voluntary availability of the objector of the insurance.

302.2 Alienation or indebting against the court order on forbiddance for alienation, indebting or availability of estate has no judicial effect over the party that proposed, except in the cases of action of persons against the court verdict for setting other measures of insurance.

302.3 Provisions from the parag.1 and 2 of this article are applied accordingly in the cases of actions of persons against the court verdict for setting other measures of insurance.

302.4 Measures of insurance do not secure the right for pawn, except in the case of justification of promotes for the right for pawn from the point d) of the parag.1 of the article 299 of this law.

Article 303

The court can set immediately the measures of insurance once it ascertains the circumstances of the concrete case.

Article 304

304.1 Measures of insurance can be proposed before initiation and during the process of contestation as well as after its finalization, until the execution is complete.

304.2 Proposal is submitted in written. If the proposal is related to the ongoing court proceedings it can be presented verbally in the court session.

304.3 The proposal for setting measures of insurance should show the request for insurance required by the proposal, measures of insurance proposed, means and object of

the insurance. The proposal should show facts the claim charge is based on, as well as propose proofs which could prove pretension, already pre-noted in the proposal. The party proposing the insurance is obliged if possible to attach the proofs to the proposal.

304.4 For the proposal for setting measures of insurance submitted verbally will accordingly apply the provision of paragraph3 of this article accordingly

Article 305

305.1 Except in the cases determined by this law, measures of insurance cannot be set if the objector of the insurance had no opportunity to state the proposal for setting the measures.

305.2 The proposal for setting measures of insurance, together with notes attached are sent by the court to the objector of the insurance followed by info that a short reply can be done within a period of seven (7) days.

Article 306

306.1 The court can set temporary measures of insurance without a notification or a preliminary hearing of the objector of insurance based on the proposal for the insurance presented, if the proposed insurance shows plausible pretence that measures of insurance is based and urgent, and if acted otherwise it will loose the aim of the insurance measures.

306.2 The verdict from the paragraph 1 of this article is sent by the court to the objector of the insurance immediately. The objector of insurance in his reply within a period of 3 days can contest the causes for setting temporary measures, and after that the court can set a hearing after three days. The answer of the objector should contain a justification part.

306.3 After the hearing from the paragraph 2 of this article, the court by a special verdict annuls the verdict that sets temporary measures or replaces it with a new verdict for setting measures in accordance to the article 307 of this law. An appeal against the verdict setting measures of insurance is allowed.

Article 307

307.1 Through verdict of setting the measures of insurance, the court sets the type of measures, means by which it will be applied forcefully and object of insurance measures by applying accordingly the regulations of court proceedings. The court in accordance to its official duty will sent the verdict on setup of the measures of insurance to the responsible court so it can forcefully be executed and to the pubic registry for record.

307.2 If for the implementation of the order or set stopping, means or object of insurance should be changed, the party can propose a change of the kind in the same procedure and based on the order for the existing suspension.

307.3 The verdict which determines the measures of insurance has a verdict impact over the execution of the Law for the Executing Procedure. The measures of insurance oblige the party, as well as people related who only after they are informed for the measures of security by the verdict.

307.4 The verdict from the paragraph 1 and 2 of this article should have the justification part.

307.5 The court according to its official responsibility sets the measures of insurance, than it applies them according to the provisions of this article.

Article 308

308.1 When the insurance measures are set before the charges are raised, than the verdict that sets measures of insurance will set a deadline of no less than thirty (30) days for the party that proposed the insurance to raise charges.

308.2 The party proposing the insurance should present proofs to the court, through which it's it can be shown that it acted in accordance to the above paragraph of this article.

Article 309

309.1 The measures of insurance set by the court by a verdict are in force until a new verdict related to the measures of insurance is issued.

309.2 If the claim charge is not approved with a decision of first instance, the responsible court will allow the measures of insurance in place until the decision of the court becomes an absolute one.

309.3 The measures of insurance remain in force until the deadline of thirty (30) days, from the day the conditions are created for a forced execution.

309.4 Measures of insurance registered in public record are usually erased by the court.

Article 310

310.1 Against the first instance verdict over the measures of insurance a complaint can be addresses within seven (7) days of the verdict's issuance.

310.2 The complaint is sent to the objector of the insurance within a period of three (3) days from the day when it was handed, and the reply can be presented to the court.

310.3 The court of second instance will decide within a period of fifteen (15) days, from the day a reply to the complaint was received or after the deadline for replying to the complaint has passed.

310.4 The complaint will not postpone execution of the verdict from the paragraph 1 of this article.

310.5 The verdict over temporary measures cannot be appealed against.

Article 311

311.1 If the determined measures from the article 299, paragraph. 1, point, a) and b) of the article 306, paragraph 1 are set, based on the proposal of the objector, or of the bailer, the court decides to sell all disposable movables items that can be damaged easily or if there is a danger of price fall.

311.2 Selling of the goods from the paragraph. 1 of this article is according to the rules for execution over movable goods.

311.3 If the measures of insurance are set by the article 300, paragraph. 1, pt. c), the court can upon a proposal from the insurance supporter or to the objector decide that the insurance supporter looses the right of the request, if there is a danger for not implementing it due to he delay in its implementation or the danger for loosing the right due to the regress of the third party.

311.4 The amount of money gained from the sale of movable goods or through the implementation of the loan is preserved in the court deposit up to the moment of removal of the measures of security or up to the moment when its execution is proposed but at the latest within a period of thirty (30) days from the day the loan has arrived. Other goods gained by requested loan are deposited, if possible they are deposited in the courts deposit, or there are other means of savings until the moment of removal of the security measures, respectively until the party proposing security will propose an execution but at the latest thirty (30) days from the day when the loan becomes exceptional.

Article 312

312.1 The party that proposes security in its proposal for security or later can state that they agree, that instead of issuance of the security measure the party will be satisfied with issuance of pawn from the objector.

312.2 Giving a paw instead of measures of insurance can be set with a proposal of the insurance objector if the party that proposed insurance agrees to it.

Article 313

313.1 If the insurance proposer does not submit the proof within the given verdict deadline, based on article 314 of this law, the court will finish the procedure and annul its action.

313.2 Based on the insurance opponent's proposition the procedure that began will end, and taken actions will be annulled if the circumstances based on which it has been determined have changed.

313.3 Based on the insurance opponent's proposition the court will end the procedure and annul taken actions if:

a) insurance opponent deposits in court obligated sum of the insured request as well as interest rates and expenses;

b) insurance opponent makes believable the pretext that the request at the moment of verdict on action determination is realized or that it was insured sufficiently;

c) it was decided that the request is not sufficient or that it has faded away.

313.4 In cases paragraph 1 and 3 and point a) and b) of this article, expenses occurred on action determination will be paid by insurance proposer.

Article 314

314.1 Occurred expenses during insurance procedure belong to insurance proposer.

314.2 If the proposition about action determination appears during contentious procedure or any other legal procedure, the competent court about the statement of claim or any other request decides to take over the expenses on insurance action determination.

Article 315

According to the provisions of the real property right, the insurance proposer has the right to be compensated because of verdict disrespectfulness about action taken.

Article 316

According to the general rules of the real property right, the insurance opponent has the right to be compensated by the insurance proposer if it has been caused by the action taken that has been proved with no base or it hasn't been justified.

Article 317

Requests for damage compensation from paragraph 315 and 316 of this law will be written within a year from the verdict date in which the action has been proposed.

Article 318

Insurance means of the action will be taken out by the court that is competent for decree absolute verdicts.

CHAPTER XXII

MEANS OF EVIDENCE AND EVIDENCE COLLECTION

General provisions

Article 319

319.1 Each party at court has to prove its request and claims.

319.2 These are all relevant facts about the verdict.

319.3 The court decides which proofs will be taken under considerations.

Article 320

The court is authorized to also consider the facts that haven't been proposed by interested parties, if it's decided that the parties are in the possession of the requests they shouldn't (article 3, paragraph 3 of this law)

Article 321

321.1 There is no need to prove neither the facts that are widely known nor the facts that have been proved in previous court verdicts.

321.2 There is no need to prove the facts that were admitted by the interested parties during the court session.

321.3 The court has the right to evaluate all facts and circumstances of the given case. It is up to the court to decide if the fact is accepted or contested by a given party if the party has once accepted it and later contested it, or if the party has limited the acceptance by adding other facts.

321.4 The facts whose existence is assumed by law should not be proven, but their inexistence can be proven if something else is not determined by law.

Article 322

322.1 If the court is not so sure in a fact based on evidence collection (article 8), rules on proof weight will be applied, if the law does not foresee something else, the party that insists in a fact should prove it.

322.2 If the law does not foresee something else, the party that contests the existence of a right carries the responsibility to prove which fact was the obstacle.

322.3 Party which opposes existence of any right is obliged to prove with facts that has hindered its creation or realization or grounded on that has stopped existing, if otherwise is not provided differently by law.

Article 323

If it is determined that a party should be compensated by a lump sum payment or any other substitute, and the sum of money can not be specified or the quantity of substitutes, the court will decide based on free evaluation.

Article 324

324.1The evidences are taken during the hearing session.

324.2 The court can decide that given evidence will be taken into consideration before any other court (court order). In cases like this, minutes of the meeting of the evidence collection will be read in the main hearing session.

324.3 When the court decides to consider an evidence before ordering court, in a letter for evidence collection, the case is described especially the circumstances while evidence taking occurs.

324.4 All parties should be informed regarding the evidence take over session.

324.5 Ordering court has the full authority that belongs to it during the session of evidence taking so they could be considered in the main hearing session.

324.6 No special appeal is allowed against a court verdict allowing the evidence collection.

Article 325

If based on circumstances there is a feeling that evidence can not be found within given deadline or if it has to come from foreign countries, the court shall set a deadline in the order for evidence collection. After this deadline, the case will continue even if the evidence is yet not available.

SPOT OBSERVATION

Article 326

326.1 Spot observation happens every time that it seems necessary to prove an evidence or to describe a circumstance. It has to be done by the court of the matter.

326.2 It can be done alongside with an expert.

Article 327

If the thing that has to be observed can not be brought to the court, or if such a thing will cause huge expenses, the court can do a spot observation while minutes of the meeting are taken.

Article 328

328.1 If there is a fact that belongs to one of the conflicted parties, or it belongs to a third party then provisions of this law will be applied.

328.2 If the fact belongs to the state or to any legal person who is trusted with public authorizations, the evidence collection will be done by this law's provisions by which the evidence collection from these bodies is handled.

328.3 All parties involved will be informed regularly.

DOCUMENTS

Document evidence power

Article 329

329.1 Document that is written in a specified format by a state body within its limitations as well as the document that has been designed in the same way by an organization that is trusted to do so by law (public act), is the document upon which the authenticity is made.

329.2 The same powers have other documents which by special provisions are equaled with public acts.

329.3 It is allowed to prove that facts are misinterpreted in public acts or that the act is not compiled in regular method.

329.4 If the court doubts in act's authenticity, it can ask the body that compiled it to declare itself.

Article 330

Foreign acts legalized by law have the same weight as domestic public acts, if it is not specified differently by an international contract.

Article 331

331.1 All parties in court should present the documents to prove their statements.

331.2 Attached to the act in foreign language, a translation of the act, translated by permanent court translator, should be present.

Article 332

If the document is the state property, or it belongs to an authorized legal person, and the interested party can not present it, then the court can obtain this document.

Article 333

333.1 If a party claims that the opponent is in possession of a relevant document, the court can order the later to submit it, and will set a deadline.

333.2 There can be no appeal against the verdict from paragraph 1 of this law.

Article 334

A party can not refuse to submit the required document, if the party referred to it or if he/she has to submit it as required by law, the party has to present it also if its context is of importance to both parties.

Article 335

335.1 Articles 342 and 343 of this law will be applied on behalf of the party that refuses to submit other documents.

335.2 If the party requested to submit a document claims that does not poses it then the court should collect evidence.

Article 336

Based on all circumstances of the given case, the court will decide the meaning and the significance if a party that is in a possession of the document and refuses to submit it to the court. This is also valid in a case when a party does not act based on court's decision about document delivery or if the party states that the document is not in her/his possession.

Article 337

337.1 The court can order the third party to submit the document based on involved parties proposition and if it is valid as an evidence.

337.2 The third party can refuse to submit the required document only in the cases described in article 342 and 349.

337.3 The court asks the third party to declare herself/himself before ordering the party to submit it.

Article 338

338.1 When the third party contests document submission in his/her possession, the court decides if he/she is obligated to do so.

338.2 The court can collect evidence if the third party denies that the document is in her/his possession.

338.3 The decree absolute through and adequate court can be issued to obligate the person to submit the document.

338.4 The third party has the right for compensation if expenses occurred during document submission. In this case provisions of the article 355 of this law are valid.

WITNESSES

Article 339

339.1 Everyone invited as a witness has to answer the call, if it is not determined differently by this law, and has to testify.

339.2 Only people that can give information on evidence can be asked to witness.

339.3 Minors bellow 14 can be called in as a witness only when it is necessary to solve the case.

Article 340

The party that suggests a witness should beforehand tell what will the person testify about, as well as the name, family name and the residence.

Article 341

Witness can not be a person if his/her testimony reveals an official secret or military secret until the competent body relieves him/her from the duty.

Article 342

342.1 The witness can refuse to testify:

a) the party at court has trusted him/her as his/her representative

b) the party or any other person has told the witness his/her story

c) the evidence that the witness has collected as a lawyer, as a doctor, or any other profession that exercises confidence and has to be kept as secret, everything that was told during the job fulfillment.

342.2 These persons are notified by court about their right to refuse being called as a witness.

Article 343

343.1 The witness can refuse to answer certain questions if there is an important reason to do so. Especially if these questions will have penal consequences for himself/herself, or his/her close relatives; any generation in a vertical line and up to the third generation in a horizontal line. Can deny answering against the spouse, in-laws up to the second generation, even if the marriage ceased to exist, the person that he/she lives with, custodian, or the person under his/her custody.

343.2 The court has to notify the witness with the refusal right if it coincides with the above mentioned cases in this article.

Article 344

Witness has no right to refuse to testify if his testimony will cause wealth damages, if something was caused in his presence while invited as a witness by whose while he acted as a legal representative or a representative of any of the parties for facts that have to do with wealth caused by marriage or any other family tie. These facts might do with birth, death, marriage as well as any other provisions that have to do with obligatory declaration.

Article 345

345.1 The court decides about the fact if the testimony refusal is justifiable. If necessary, the parties involved in the hearing can be called for opinion.

345.2 From the first paragraph of this article, the parties involved have no special right to appeal whereas the witness can only write a complaint if he was sentenced by prison or by a specified sum of money if he refused to appear in the court or to answer any specific questions (article 284, paragraph 2).

Article 346

346.1 The witness is called by an invitation where his name, family name, profession, time and place, and the subject are specified. It should also tell why is he summoned as a witness. There he/she can also see for the consequences for not answering the call for no reason as well as for his/her right to claim for the expenses.

346.2 If the witness is under 14 then that person will be invited through parents or legal custodian.

346.3 If the witness can not come to the court because of the illness, old age, or any disability, then that person will be heard out in his/her apartment or anywhere else where they might be.

Article 347

347.1 Witnesses have the hearing separately from other witnesses, if there are more. Witness has to answer orally all questions.

347.2 First, the witness will be informed that has to tell the truth, that he should not leave anything unsaid, and then he’ll be informed for the consequences if he gives false

statement. After this, the witness is asked to state his name, family name, father's name, birthplace, age, and his relationship with the parties involved in the court.

Article 348

348.1 After general questions, the witness is questioned by the party that has summoned him/her, and then by the other party.

348.2 The court can pose questions at any time to the witness.

348.3 The witness is always asked as to how does he knows about the things he testifies.

Article 349

If there are contradicting statements between witnesses that important facts can not be determined then the court faces the witnesses. The questioned witnesses will be asked about all circumstances and about all contradicted fact stated earlier. All answers will be recorded in the minutes of the meeting.

Article 350

After the testimony the witness can leave when the court says so. If there is a need for another hearing then the court orders the person to wait with no right to meet other witnesses.

Article 351

The party that has summoned a witness has a right to ask not to question him/her. The request is taken under consideration if the other part agrees and if the court decides that his/her questioning is not relevant to resolve the matter.

Article 352

If during the court session the necessary facts are revealed either the involved parties or the court can decide not to question other invited witnesses.

Article 353

The court will allow the witness to read or use notes if something that has to be calculated is discussed or if it is talked about something that is difficult to remember.

Article 354

354.1 If the witness does not speak the language then the translator will be provided.

354.2 If the witness is deaf then the witness is asked to submit the answers in written. If the witness is mute, the witness is asked to provide the answers in written. If the questioning of the witness can not be done this way then an interpreter will be summoned so he can interpret for the witness.

354.3 The court informs the interpreter that he/she has to interpret correctly all questions and all answers.

Article 355

355.1 The witness has the right to be compensated for the travel costs, meal and lodging, as well as for loss of profit.

355.2 The witness should ask for the compensation as soon as his hearing is over or otherwise he/she looses this right. The court has to inform the witness about this possibility.

355.3 In the act where the costs of the witness are specified, the sum should be stated. This sum is paid by the deposited money from both involved parties. If such deposit is not made, then the party has to pay the specified sum within seven (7) days.

355.4 Appeal against this order from paragraph 3 of this article does not change this day limit.

EXPERTS

Article 356

The court can do an expertise if interested parties propose so. This will be done any time if there is a need to specify facts or circumstances that the judge does not have sufficient knowledge for.

Article 357

357.1 The party that proposes an expertise has to state why that expertise is needed for as well as its goal. The person for an expertise should also be proposed.

357.2 The opponent party should be given a chance to say its opinion regarding proposed expertise.

357.3 If the involved parties can not bring a decision regarding the person who will conduct the expertise, or regarding the object or volume, then the court will decide about it.

Article 358

358.1 Expertise is done by an expert.

358.2 The court, if the parties propose so, can assign more experts for different kinds of expertise.

358.3 Experts are chosen from the lists of experts from a specific expertise court's possession.

358.4 More complicated expertise is trusted to the professional institutions (hospitals, chemistry laboratories, faculties, etc)

358.5 If there are specialized institutions for specific expertise (forged money expertise, manuscripts, dactyloscopy, etc), then those will be trusted to those institutions.

Article 359

359.1 The summoned expert has to appear in court and state his/her opinion and conclusion.

359.2 The court may decide to relief the expert from answering if there are reasons that the expert can not answer or testify.

359.3 This can happen if the experts' requests this and if it is justifiable.

359.4 The right to ask for experts' relief has also the organization or the institution where the expert is employed.

Article 360

360.1 The expert can be expelled from the court for the same reasons as the judge can. The person that testified earlier as a witness can be summoned as an expert.

360.2 The party can ask for expert's expulsion as soon as the cause for expulsion is known. It can not be done after the evidence is taken by expertise.

360.3 The party has to state all reasons and circumstances in its request for expulsion.

360.4 The court of the matter decides about expulsion.

360.5 There is special appeal against the expulsion order.

360.6 If the party found out about the expulsion reasons after the expertise is done, and for this objects the expertise, then the court decides in the same way as when the request is submitted before the expertise.

Article 361

361.1 The evidence taken by expertise is specified by an order issued by court and it consists of:

a) name, family name, and the expert's profession;

b) the subject that is contested;

c) volume and the subject of the expertise;

d) deadline for the written opinion and conclusion.

Article 362

362.1 The expert is always summoned for the main hearing session.

362.2 Attached to the invitation to appear in the court, the expert will also get a copy of the order from the article 359 of this law.

362.3 The court also states that the expert should give his/her honest opinion and in accordance with the scientific rules. It also tells the consequences if this opinion not given within the set deadline or if he/she does not appear at the court respectively.
It also states that the expert will be paid for the done work and for the right to be paid for the costs caused by the expertise.

Article 363

363.1 The expert has the right to know the subject discusses, to take part in the sessions, to question, give explanations, and to ask from parties specific data within the set boundaries so he/she can do his/her duty.

363.2 When by the court's opinion for the expertise the expert has to know things, evidence, accounts, and other documents, the involved parties can be present and can give their opinions in written, their specialists opinions whom can be invited as witnesses, or the requests that have to do with job fulfillment, but it is always within the court's order.

Article 364

364.1 If the court does not decide differently, the expert has to give his/her opinion in written before the main hearing session.

364.2 The expert's opinion has always be explained and justified.

Article 365

If the expert does not submit his/her opinion within the set deadline, the court can assign another expert if the interested parties did not give their opinion within the set deadline.

Article 366

366.1 The court can ask for further explanations if the expertise is not clear or when it has a deficiency, as well as when there are different opinions within experts, either itself or if a party requests it. In this case, a deadline is set for the submission of the supplemental opinion in written.

366.2 If experts opinion is not clear or if the opinion is not submitted after the court order, the court will assign another expert after the declaration of both parties involved.

Article 367

The court sends written conclusion and the opinion at least eight (8) days before the main hearing session.

Article 368

The main hearing session is held even if the expert does not come to the hearing. The court can postpone the hearing and set a new session, with the involved parties request, where the expert is summoned if it is concluded that his/her presence is necessary to explain or to fulfill the matter. This is exception from paragraph 1.

Article 369

369.1 If there are more experts involved, they can submit their opinion together if there are no contradictions. If there are contradictions then they submit their opinions separately.

369.2 If their opinions differ substantially, or if they are unclear, if it contradicts with itself or with given circumstances, and those can not be clearer in the experts hearing, then the court will do another expertise with the same experts or with different experts.

Article 370

There is no appeal against orders from the articles 356, 360, and 364 of this law.

Article 371

If the provisions of this law did not foresee differently, the provisions that are valid for witness questioning, are valid for evidence collection through expertise.

Article 372

Legal provisions dealing with expertise are valid for court interpreters.

THE INVOLVED PARTIES HEARING

Article 373

If a party proposes so, the court can decide to collect evidence through the party hearing.

Article 374

The court decides if only one party will be heard if the other party refuses so or if it does not answer to court's call.

Article 375

375.1 Legal representative is asked for the party that does not have procedural capability.

375.2 The court can decide that apart from the legal representative, the party itself has to be questioned if it is possible.

375.3 For the legal person that is a party in court the person that is specified by law to represent him/her will be heard.

375.4 If there are more than one person a party at court, then the court decides if all of them will be heard or if some of them will be heard.

Article 376

376.1 The court order is sent to the involved party directly, or to the person that will be questioned.

376.2 In the court order will be stated that the evidence will be collected through the hearing and that the party that comes to the session can be questioned if the other party is absent.

Article 377

If a party does not come to court to be questioned can be forced to do so and can not be forced to give a statement.

Article 378

The provisions of this law dealing with evidence collection through witnesses are applicable for evidence collection through the parties involved, if through their hearing something else is not specified.

EVIDENCE INSURANCE (PRE EVIDENCE)

Article 379

379.1 With parties' request, the court can order to collect evidence either within the court session or before it, if there is a possibility that it will disappear, or it is difficult to be obtained, and that it is very relevant to the matter.

379.2 The evidence insurance can be asked before and during the procedure to redo the trial that ended in decree absolute.

Article 380

The request to insure the evidence is the court that is dealing with the matter, and in case if there is still no charge, in the court of the place where the person that will be heard lives, or where that evidence is. In urgent cases the request can be sent to the court of the place where the person lives or where the thing is even though the charges are already raised.

Article 381

In the request for evidence insurance should be stated, the evidence that will be collected, circumstances and the facts of its relevance, justification why it is needed before hand. In the request the opponent's name and family name should be stated if they are known.

Article 382

382.1 The opponent party receives the copy of the request except when it is not known or when the evidence collection does not allow any postponement.

382.2 The order which allows the evidence insurance should consist of the name of the evidence that will be collected, means of its collection, as well as the facts and circumstances that will be proven by it.

Article 383

383.1 If the request for evidence collection is not send to the opponent party, then it is send jointly with the order when it is accepted and when the session for evidence collection is set.

383.2 To the opponent party that is not known, or whose address is not known, the court assigns temporary representative so he/she can attend the session set for evidence collection. There is no need for public act to assign a temporary representative.

383.3 In urgent cases the court can decide that evidence should be collected before the order, where the request is accepted, is send to the opponent party.

383.4 There is no appeal against the court order, where the request for evidence insurance is accepted, as well as there is appeal against the court order to collect the evidence before the order is send to the opponent party.

Article 384

384.1 If the party that has asked for evidence collection does not appear in the court, then the proposition might be refused except if the opponent party asks for it or if the court decides it is in court's benefit.

384.2 General rules are executed for means of evidence collection and for its importance.

Article 385

385.1 If the evidence is collected before any charges are raised, minutes of the meeting on its collection will be held in the court where it is taken.

385.2 If the procedure has begun, and the evidence collection is done by the court of the matter, then the minutes of the meeting will be given to this court.

CHAPTER XXIII

THE MAIN HEARING PREPARATION

General Provisions

Article 386

386.1 As soon as court gets the charges, it initiates preparations for the main hearing.

386.2 These preparations consist of the examinations of the charges, sending it to the party that does not know about it regarding necessary answers, holding preparatory session, and to set a date for the main hearing

386.3 During the preparation for the main hearing, the parties can send requests to submit facts and evidence that they would propose them.

Article 387

387.1 In order to prepare as better as possible to resolve the case, the court from the moment when the charges are raised until when the session for the main hearing is set by orders decides for:

a) answering the charges by the party that does not know;

b) evidence insurance;

c) charge withdrawal;

d) charge change;

e) procedure stoppage;

f) intermediary presence;

g) presence of the legal predecessor in the court process;

h) separating or joining of two court procedures;

i) setting the court deadlines or postponing them;

j) setting the court sessions or postponing them;

k) resettling in the previous state;

l) temporary means of insurance;

m) ensuring procedural expenses;

n) relieving a party from procedural expenses;

o) depositing for procedural expenses and means;

p) setting the expert;

q) naming temporary representative;

r) sending court orders;

s) means for pre request improvement and fulfillment;

t) regular judicial presentation;

u) court incompetence;

v) joining charges;

w) trial stoppage if the charge is withdrawn or if it is annulled, as well as with other matter that have to do with the trial direction

387.2 No appeal is allowed against acts given during the preparation of the trial arrangement regarding the main hearing.

Article 388

During the preparation for the main hearing, the court can give an order based on acceptance, order on withdrawal, order on disobedience, order on non presence, as well as to accept an agreement between parties.

PRIOR CHARGE EXAMINATION

Article 389

After prior charge examination, the court can rule all orders mentioned in article 392 of this law. Excluded are cases that because of their nature, or because of the provisions of this law, the order can be given only at a later stage of the contentious procedure.

Article 390

If the court decides that the charges are unclear, or that there are deficiencies that the party becomes an involved party at the court, or with its legal representative, or there are deficiencies in representative authorization to initiate contentious procedure, and this authorization is requested by law, it can take necessary means determined in this law (articles 79 and 102 of this law)

Article 391

391.1 After the pre examination the court can drop charges as unnecessary if it determines that:

a) it is not within court's jurisdiction;

b) parties have contractual agreement from the arbitral case settlement;

c) for the charges raised exist court dependence (litispendece);

d) it has already been trialed (res iudicata);

e) there is an court agreement for the contentious object, that the plaintiff has withdrawn them, that there is no legal interest in proving charges;

f) charges are presented after the deadline, if it was set by legal provisions;

g) the plaintiff did not solve deficiencies from the articles 79 and 102 of this law

Article 392

392.1 After pre examination the court by an order states it is not competent and sends the case to the court that it thinks is more adequate to resolve the matter if it is determined:

a) it is not in court's territorial jurisdiction;

b) it is not in court's jurisdiction of the matter.

Article 393

The court, if it considers that does not have procedural material to give an order on an matter that appeared during the pre examination, will decide after an answer from the respondent or during the preparatory session, or during the main hearing session if the preparatory session was not held.

REPLYING TO THE CHARGES

Article 394

The court sends the charges jointly with the official documents to the accused for a reply within fifteen (15) days when it was submitted to the court.

Article 395

395.1 The accused has to respond in written within fifteen (15) days after the charges and all official documents are submitted to him/her.

395.2 The court has to direct the accused toward the obligation in paragraph 1 of this law on the contest of its response and for the procedural consequences if it does not show in the court within the set deadline.

Article 396

396.1 In the answer the accused should state any procedural inconvenience and to state if he accepts or denies the charges, and to state all data that a pre document should have (article 99).

396.2 If the accused contests the charges then he/she should state all facts and present all evidence that his/her claims can be proven.

Article 397

The court acts based on article 102 if it decides that the answer is not sufficient or that it is unclear in order to avoid these deficiencies.

Article 398

After the answer if the court decides that there is contentious issue, and that there are no obstacles to give a just ruling, then it can bring an order that it accepts the indictments with no court session.

Article 399

399.1 If the court decides after the accused replied to the charges there is no base then it can drop the answers as with no base.

399.2 The charges are not based according to paragraph 1 of this law, if it absolutely contradicting the facts presented in the charges, or if it based on the evidences that are contradicting the evidences proposed by the plaintiff, or contradicting the facts that are widely known.

PREPARATORY SESSION

a) General provisions

Article 400

400.1 The court convenes the preparatory session after it has received an answer to the accusation.

400.2 If the accused did not respond to the charges, and if there aren't circumstances to come with an order, the court will convene preparatory session after the deadline set by law regarding the response to the charges.

400.3 Whenever it's possible, the court will set the preparatory session after it had consulted the parties involved.

400.4 As a rule, the preparatory session is held with thirty (30) days from the day when the court has received the response from the accused.

Article 401

The preparatory session is obligatory, except in cases when the court decides that there is nothing contentious between the parties at court, after it has received the response from the accused (article 403 of this law), or if because it is not complicated, comes to a conclusion that there is no need for it.

Article 402

402.1 The court notifies the conflicted parties if they do not appear for the preparatory session in the invitation for the session, as well as that they should bring all facts based on which are their claims and that they will use during the procedure. They should also bring all documents and things they would like to use as evidence.

402.2 The court invitation, as a rule, is sent at least seven (7) days before the session is held.

Article 403

403.1 The preparatory session begins with the charges explained by the plaintiff, and then the accused presents his answers to the charges.

403.2 When it is necessary, the court will ask for any explanations regarding their sayings or propositions.

Article 404

404.1 After the plaintiff presentation, and the accused answer, it is moved forward any obstacle that might pose any deviation for the legal matter. Regarding procedural obstacles evidences can be collected if it is needed.

404.2 If it is not determined differently by the provisions of this law, the court can by parties recommendation or by its own duty decide on matters from article 390 of this law.

404.3 If the court does not approve parties' rejection by which it is claimed there is an obstacle in a case proceeding, the decision on refusal will be given together the decision on the main matter, with the exception of territorial competences refusal.

404.4 Against the decision in paragraph 3 of this article, there is not allowed special complaint

Article 405

During the proceeding in preparatory session it is discussed about the propositions given by the parties involved and about the facts that their propositions are based upon.

Article 406

406.1 Depending on results in the preparatory session the court will decide about what will be discussed, which facts will be considered in the main hearing session.

406.2 Propositions that are not seen as essential are refused by the court and this fact is stated in the court order as well as the reasons for such refusal.

406.3 There is no appeal against these orders from paragraph 2 of this article.

406.4 During the later proceeding, the court is not obligated with the decisions given based on this article provisions.

Article 407

407.1 If the court decides, proposed by a party, to collect evidence by expertise, then it sets a deadline within which the expert has to present written conclusion and opinion.

407.2 While setting this deadline, the court should keep in mind, that the involved parties should get expert's written opinion at least seven (7) days before the main hearing session.

Article 408

408.1 If in the same court are 2 or more trials with the same persons involved, or if the same person is the opponent of the plaintiffs or different plaintiffs, the court can decide to join all of them by an order so they can all be jointly heard, if this reduces costs, and if it expedites the case. For all joint trial a joint order is issued.

408.2 The court can decide to look into a special request separately, and after this to bring special decisions on the charges request.

408.3 To act according to paragraphs 1 and 2 of this article, involved parties should agree.

408.4 Orders from paragraphs 1 and 2 of this article can be issues, as a rule, lately at the preparatory session or in the beginning of the main hearing session if the preparatory session was not held.

408.5 There is no appeal against these orders issued by this article.

Article 409

409.1 If the plaintiff does not come to the preparatory session even though he/she is summoned regularly, it is considered that the charge is withdrawn, except if the accused asks for it.

409.2 If the accused does not come to the preparatory session, and he/she is summoned regularly, then the session continues with the present plaintiff.

Article 410

Procedurally, the court has all rights in the preparatory session in the same way it has in the main hearing session.

b) Intermediation and court settlement

Article 411

411.1 If the court sees it is necessary, then it will suggest in the preparatory session, based on the nature of the case and other circumstances, to resolve the issues with the intermediation based on a special law.

411.2 Intermediation can be proposed by the involved parties if they agree. Such a proposition the involved parties can do any time until the end of the main hearing session.

Article 412

The parties can resolve their case with the court settlement any time during the trial.

Article 413

413.1 The court during the entire procedure, especially in the preparatory session, tries to come to a settlement if it is fair and if the nature of the case allows it.

413.2 The court can propose to the parties how to reach the settlement to help out in the process, considering their wishes, the nature of the case, their relationship, and other circumstances.

Article 414

414.1 In court settlement can be included the entire charge or just a part of it. The court brings an order regarding legal settlement.

414.2 The parties can not reach the settlement through court if the charge has to do with the rights they do not freely poses (article 3, paragraph 3 of this law).

414.3 When the court decides there can be no court settlement between the parties then it stops proceeding until the order is decree absolute.

414.4 In the case of paragraph 2 of this article, the court will include in the minutes of the meeting the agreement between parties which can later be evaluated by the appeal court for its validity.

414.5 There is a special appeal against the order by which the agreement is refused.

Article 415

415.1 As a rule the court settlement is done at the first degree court.

415.2 If the appeal is going on in the second degree court, the first degree court notifies the appeal court regarding the settlement done in this phase. After this notification the appeal court ends the appeal procedure supposing that the appeal is withdrawn.

415.3 The court settlement can be reached also in the second degree court during the hearing.

415.4 If the court settlement is done after the verdict of the second degree court, then the court annuls such a verdict by a special order. The verdict will be annulled also by a first

degree court even if the settlement is reached during the procedure at the second degree court.

415.5 There is no appeal against the order from paragraph 4 of this article.

Article 416

416.1 The settlement is included in the minutes of the meeting.

416.2 The court settlement is concluded at the moment when the parties read minutes of the meeting on settlement and sign it.

416.3 Certified copy of the minutes of the meeting, including settlement, is given to the parties.

416.4 Court settlement should consist of also an agreement of court expenses. If the parties can not agree on expenses they can ask that this decision be brought by the court of the matter,

Article 417

During the entire court procedure, the court considers if it is going along side with the charges if it came to a settlement, and if it considers the charges are addressed, rejects the charges.

Article 418

418.1 Court settlement can be reached only if charges are raised.

418.2 Court settlement is annulled if it reached by flattering, deceit, or force.

418.3 Court settlement is annulled also if in it took part a party with no procedural capability, if such a party was not represented by a legal representative, or the person did not have necessary authorization to act on special procedures except when his/her actions are later approved by the party itself.

418.4 Appeal about the court settlement annulment from paragraph 2 and 3 of this article can be raised within thirty (30) days from the moment it is known about the cause of annulment, and the last time during 1 year from the day when the court settlement ended.

Article 419

419.1 Person that wants to press charges can try to do court settlement through the first degree court in the territory where the opponent party lives.

419.2 The court that has received such a proposition will notify the opponent regarding court settlement proposition.

419.3 The costs of this procedure are carried by the person who submitted the proposition.

b) Convening the session for the main hearing

Article 420

420.1 In the preparatory session the court with an order determines:

a) time and the date of the main hearing session;

b) topic that will be discussed in the main session;

c) evidences that will be taken;

d) persons that will be invited.

420.2 The main hearing session will be held, as a rule, within thirty (30) days from the day when the preparatory session ended.

420.3 The court can decide that the main hearing session be hold immediately after the preparatory session.

420.4 If the court determines that the main hearing session will last more than 1 day, the session will be convened for as many days as necessary so the hearing can be done in continuation.

Article 421

421.1 With the contents of the order from article 420 paragraph 1 of this law the present parties will be informed in the preparatory session and they will not be invited for the main hearing session and the order will not be send.

421.2 The court will notify the present parties in the preparatory session for any procedural consequences if they do not come to the main hearing session.

Article 422

422.1 The parties that were not present at the preparatory session will be sent an invitation as well as witnesses, and experts that will have to come based on the court’s decision on evidence collection.

422.2 The court also notifies them about the consequences if they do not answer the call.

422.3 The party that was not present at the preparatory session also receives the certified copy of the minutes of the meeting from the preparatory session.

CHAPTER XXIV

THE MAIN HEARING

1) Main hearing development

Article 423

423.1 The judge declares the beginning of the session and the subject of the discussion

423.2 After this the court takes note of the present invitees and investigates reasons if someone is not attending the session

423.3 If the plaintiff does not come to the main hearing session even though he's been summoned regularly, it is considered that he/she has dropped the charges except if the plaintiff declares that he/she requests the process to continue in his/her absence.

423.4 If in the main hearing session does not come the accused even though he/she has been summoned regularly, the session will continue without him/her.

Article 424

424.1 The court determines if there are any procedural obstacles to proceed by an involved party's proposition or by its own official duty. It acts in accordance with the provisions of the article 388 of this law, if it is not determined differently by this law's provisions.

424.2 If the court does not accept the refusal from paragraph 1 of this article, no matter if it is examined separately or together with the main topic, can give a rejection order together with the main topic order.

424.3 There is no special appeal if the parties' refusal is rejected from paragraph 1 of this article.

Article 425

425.1 If preparatory session was not held then the main hearing session will be held in this way:

a) the plaintiff gives strict explanations regarding requests in the charges;

b)the accused represents the answer to the charges;

c) if it is proposed that the evidence collection will be taken by the involved parties, then the plaintiff is asked first and then the accused;

d) witnesses are questioned, first the ones proposed by the plaintiff and then the ones proposed by the accused;

e) other evidences are collected, including expertise;

f) after all evidence is collected, both parties, but first the plaintiff and then the accused give final explanations to the court by which they summon legal and factual aspects of the main issue;

g) court can allow the plaintiff to shortly declare himself/herself regarding the accused final explanation;

h) if the plaintiff is allowed to comment on the accused final explanation, then the later should be allowed to do the same.

425.2 With an exception, the court can decide to have different procedural order in the main hearing session.

425.3 There is no appeal against the orders from paragraph 2 of this article.

Article 426

426.1 The court takes care that the main hearing session is done correctly and regularly with no unnecessary postponement.

426.2 The court keeps order during the main hearing session and for the court's dignity.

426.3 The court can take measures against persons that disobey the order or that attack court's dignity, and the dignity of the other people present, in accordance with the provisions of this law regarding court disobedience.

Article 427

The main hearing session is conducted orally while evidences are presented directly in front of the court, if something else is not determined differently by this law.

Article 428

428.1 Each party should present the necessary facts to justify its propositions, to present evidences for their justification, as well as to declare itself regarding evidences and claims of the opponent.

428.2 During the procedure the parties can present new evidences if it is deemed that because of circumstances they could not present them or propose at the preparatory session respectively.

Article 429

The parties can also present their legal opinion regarding the subject of the trial

Article 430

430.1 During the evidence collection through parties hearing, then he/she is questioned first by the lawyer and then by the opponent.

430.2 If the party is not represented by a lawyer then he/she is first questioned by the court.

Article 431

431.1 All parties can question witnesses and experts.

431.2 The judge first gives the right to question them to the party that has proposed the witness or the expert and then the opponent. If needed, the judge can allow the proposed party to question him/her again.

Article 432

The judge can question parties, witnesses, or experts at any time of the trial.

Article 433

433.1 The court does not allow any procedures that are not essential to the process.

433.2 The court does not allow questions that consist of suggestions about how the answer should be (suggestive questions).

433.3 The court does not allow questions that are not relevant to the case and if they have already been answered.

433.4 If the party requests so, the questions that were not allowed by the judge can be recorded in the minutes of the meeting.

433.5 The judge does not allow parties, witnesses, or experts insult and disturbance during questioning.

Article 434

434.1 If the judge requests, the questioned witnesses, and experts, will stay in court.

434.2 If the party requests, the questioned witness can be recalled to testify again at the same session, if it is allowed by the judge.

Article 435

435.1 The court is not bonded by the order regarding the course of the main hearing.

435.2 There is no appeal regarding the orders on the course of the main hearing.

Article 436

436.1 After all phases of the main hearing, and when the contentious matter is close to the end, the court declares that the main hearing session is closed.

436.2 The court can close the session even if a requested document containing evidences did not arrive, as well as the minutes of the meeting from the ordered court, if parties withdraw from these evidences, or when the judge decides that they are not necessary.

2) Postponement and the continuation of the main hearing session

Article 437

437.1 The court can postpone the summoned hearing session, before it begins, if it decides that legal conditions are not fulfilled or if the specified evidences can not be present at the session.

437.2 The court has to at the least seven (7) days before the session, to determine if the conditions from the paragraph 1 of this article are fulfilled.

437.3 When it postpones the session, the court notifies all persons involved.

Article 438

438.1 The court can postpone the session only in two cases if it is proposed by the party:

a) if it is that parties fault that an important evidence can not be present at the given time;

b) if both parties propose postponement in order to resolve the matter peacefully or if they want to reach court settlement.

438.2 The party can only once propose postponing the session for the same reason.

438.3 When the session that has begun is postponed, the court immediately notifies persons about the time and place the party that was not present during the regular session.

438.4 The Court is not obliged to notify the party that has not been present in the postponed session despite the regular invitation related to the place and time of the new session.

Article 439

The court can decide to continue the hearing if an evidence is not available at the moment, but on condition that this evidence will be available later and can be talked about it.

Article 440

If the court decides it is necessary to give legal verdict, in a new set session all done procedures will be redone again.

Article 441

441.1 The main hearing session can not be postponed indefinitely.

441.2 The main hearing session can not be postponed for more than thirty (30) days, except in cases determined by this law.

441.3 The judge has to inform the presiding judge for all postponements. The later keeps records for all postponements of all judges.

441.4 If the session is postponed, the judge has to take all measures to eliminate the circumstances that caused it, so in the next session the contentious matter can be resolved.

441.5 There is no special appeal regarding the court order to postpone the session or if a parties' proposal for postponement is refused.

Article 442

If the session that has begun can not end in the same day, the court will decide to continue it the next working day (session continuation).

Article 443

Provisions of the articles 437 - 442 of this law are applied in the preparatory session in the same way.

1) Open donor hearing session

Article 444

444.1 The main hearing session is held publicly.

444.2 During the main hearing session only adults can be present.

444.3 Present people can carry arms or any dangerous tools.

444.4 Provisions of paragraph 3 of this article are not valid for the guards of the people that participate in the court process.

Article 445

The court allows based on justifiable excuse, that the trial is partly or entirely closed to the public only when:

a) an official secret should be kept or when it comes to the public order;

b) if there are mentioned trade secrets, inventions, whose publications will cause interference in the interests protected by law;

c) private details from the parties, or other people involved in the process, life are mentioned.

Article 446

446.1 In a closed door hearing only parties, their legal representatives, intermediaries, are present. If the court allows in court can stay authorized official persons, scientists, if it is in their interest or for their public and scientific work respectively.

446.2 The court will notify the ones that are present that everything that is said during the session should be kept as a secret, and for the consequences if acted otherwise.

Article 447

447.1 The court issues an order regarding the closed door hearing and the reasons are stated in public.

447.2 There is no special appeal regarding the door for the closed door hearing.

Article 448

Provisions regarding the open door trial will be settled in the preparatory session before the ordered court.

CHAPTER XXV

PROCEDURAL COSTS

1) Contents of the procedural costs

Article 449

449.1Procedural costs consist of the expenses occurred during the court process.

449.2 Procedural costs consist of the lawyer fee, and to the other persons that the law gives them the right to be reimbursed.

Article 450

Each party carries its own costs caused by its own procedural deeds.

Article 451

451.1 Witness, expert, evidence collection expenses are prepaid by the party that requested them. The sum is specified by the court in an order.

451.2 When the evidence collection is proposed by both parties then the court decides that both parties should pay the sum in the equal shares.

451.3 The court will not take into consideration evidence for which the sum needed to cover its costs is not deposited in time set by the court.

451.4 Exclusion from the provisions of the paragraph 3 of this article is when the court because of its official duty sets evidence collection in accordance with article 3,

paragraph 3 of this law, and the parties do not deposit the requested sum, the evidence collection expenses are carried out by the court.

Article 452

452.1 The party that losses the court process has to entirely cover all costs of the winning party, as well as intermediaries costs if he/she joined the process.

452.2 If the plaintiff succeeds only partially in the process then the court can decide that each party should carry its own expenses, or that the expenses should be carried out by the other party, including the proportional intermediary costs, depending on the achieved result.

452.3 The court can decide that one party should carry out the expenses of the opponent party, and of the intermediary, if the opponent party did not succeed only in a partial non important request, and when for this request there were no costs incurred.

452.4 Depending on the results, the court will decide if the costs from article 443, paragraph 4 of this law will be carried out by one party or by both parties, or if these expenses will be carried out by the court.

452.5 When the statement of claim is about money, and the accused is represented by a lawyer or a legal representative that has the right by law to be compensated, then the expenses will be set depending on the amount that is approved in the order.

Article 453

453.1 While deciding on costs, the court will consider only necessary costs that occurred during the court process. The court decides which costs necessary, the sum of expenses, were considering all facts and conditions.

453.2 If there is a set fee for lawyers, or for other expenses, then these expenses will be set according to the fee.

Article 454

454.1 The party has to cover the expenses, no matter of who won the court process, of the opponent party if he/she has caused them.

454.2 The court can decide that the legal representative carries out the expenses to the opponent party if they were caused by its actions.

454.3 Independently from the order on the matter trialed, the court will decide about requests from the paragraph 1 and 2 of this article on expenses and will issue an order.

Article 455

If the accused did not cause the charges, because he/she admitted the statement of claim and was ready to fulfill his/her duty, the plaintiff should carry out the accused procedural expenses.

Article 456

456.1 Plaintiff that withdraws the charges has to carry out the procedural expenses of the accused when the withdrawal occurred immediately after the accused fulfilled his/her duty.

456.2 The party that withdraws the charges has to reimburse the opponent for the incurred costs connected to it.

Article 457

457.1 Each party carries out its own expenses if the court process ended in the court settlement in which the expenses matter was not resolved.

457.2 Expenses of the court settlement that was not achieved are part of the procedural expenses.

Article 458

If in a trial based on the charge for the expulsion from the obligatory execution, statement of claim is accepted, and the court sees that the accused as a creditor in the final procedure had justification to consider that the third party did not have any right on the thing, then the court will decide that each party should carry out its own expenses.

Article 459

459.1 Parties in dispute carry out the expenses in the equal shares.

459.2 If there are important differences regarding the subject in the court the court will determine the part of the expenses that will be carried out by each party in dispute.

459.2 Parties at dispute that are responsible towards the main issue, have joint statement regarding expenses that should be paid to the opponent party that won the case.

459.3 If one of the parties in dispute with his/her procedural behavior incurred expenses, the other is not responsible for them.

Article 460

If the public prosecutor or Ombudsperson participates in the court process, they are entitled to the procedural expenses according to the provisions of this law, but not the right to be paid for their work done.

Article 461

Provisions regarding procedural expenses are carried out also for the parties that are represented by a public representative. In this case procedural expenses also include the sum that would be given to the party as a lawyer expense.

Article 462

462.1 If the assigned legal predecessor takes the role of the plaintiff, the previous plaintiff can not request to be paid for procedural expenses by the court from which he walked out.

462.2 Plaintiff's legal predecessor can ask for the expenses and for the previous plaintiff's expenses, if he/she wins the case.

462.3 If the case is lost, then the plaintiff's legal predecessor carries out the entire expenses of the accused caused by the previous plaintiff.

Article 463

463.1 Only if specific party requests procedural expenses, the court decides on procedural expenses, without any verbal examination regarding the request.

463.2 The party has to elaborate in the request all expenses while presenting evidence for the incurred expense, if such evidence is not already in the file.

463.3 The party should request reimbursement lately at the session when it is decided on expenses, if it is the case that it has to with the order prior to the examination then the party should attach the request to the proposition upon which is decided by the court.

463.4 On behalf of the parties' request, the court will decide by the verdict or by the order by which the procedure ends.

463.5 The court brings a special order on procedural expenses, if this right does not depend on the final decision.

463.6 In the case from article 456 of this law, if the withdrawal, or the means by which the first instance decision is attacked, and the direct examination are not done in the

second instance court, the request for cost reimbursement can be issued within fifteen (15) days after the decision on withdrawal.

Article 464

In case of giving partial order, the court can decide to leave the decision on procedural expenses for the final decision.

Article 465

465.1 When the court rules out or rejects the means of attack of the decision then it should decide on caused expenses in the procedure according to it.

465.2 When the court changes the order according to the attack, or when it rules it out, then it should decide about all procedural expenses.

465.3 When the decision is annulled, and upon it came the attack mean, and the subject comes back for a re trial, then procedural expenses will be considered during final decision.

465.4 The court can act according to the provision of paragraph 3 of this article even if the decision is annulled only partially.

Article 466

466.1 The decision on expenses in the verdict can only be attacked only with the appeal against the order but by which the decision on main subject is not attacked.

466.2 The above provision is practiced also when the order which the first instance court procedure ends and if it has the form of the order and not of the verdict.

466.3 If one party attacks the order only because of the expenses, and the other party because of the main subject, then the second degree court will decide in the same order for both issues.

2) Expenses during evidence insurance

Article 467

467.1 Expenses during the procedure for evidence insurance are carried out by the party that has requested it. That party has to also pay the opponent’s expenses, legal representative’s expenses respectively.

467.2 Depending on the court result, the party that proposed the evidence insurance can realize these costs as court expenses.

3) Exemption from paying court expenses

Article 468

468.1 The court exempts a party from paying expenses if it is determined that it is beyond parties' financial capability, and when such a thing will harm him/her or their family.

468.2 Exemption includes court taxes, depositing for witnesses, depositing for experts, as well from court acts.

468.3 The court can only exempt a party from court taxes, if those will drastically affect persons close family in food.

468.4 The court should weight all circumstances and conditions while exempting from court taxes. It should also weight the value of the subject that is in contentious procedure, the number of the family members and their income.

468.5 Court issues an order on exemption within seven (7) days of the request.

Article 469

469.1 The order on court expenses exemption is given by the first degree court with the request of the party.

469.2 The party has to present together with the request the certificate on its real estate property and on the income certified by the adequate body.

469.3 When it is necessary the court can also by its official duty inquire regarding the party that requests exemption, and regarding this the opponent can be questioned.

469.4 It is not allowed complaint against the decision with which is approved the proposition

Article 470

470.1 When the party is exempted from all court expenses, the first degree court can decide that the party will be represented by a lawyer.

470.2 The party that has been assigned legal representative is exempt from factual expenses for the legal representative.

470.3 The legal representative is chosen by the court judge.

470.4 The legal representative that is assigned can ask, for justifiable reasons, to be relieved from his/her duty. The judge decides on this matter.

470.5 There is no appeal against the order on revoking the lawyer.

470.6 No appeal is allowed against the order of the presiding judge by which a representative is revoked.

Article 471

If the party is exempt from all expenses, then the court will pay for all costs incurred witnesses, experts, direct examinations, publications of the court acts, as well as for the assigned representative expenses.

Article 472

472.1 The order on exemption from the court expenses can be annulled by the first instance court if it is proved that the party can carry out the procedural expenses. In case like this, the court will decide if the party will carry out all court expenses or just partially as well as the court taxes from which he was released and factual expenses and the award for representative appointed by the court.

472.2 In a case above mentioned, first should be compensated expenses paid by court.

Article 473

473.1 Court expenses consist of taxes, factual costs, assigned representative cost.
Court decides based on legal provisions on court expenses, if the case is lost, and if the opponent should carry out the expenses.

473.2 For payment of such expenses by the opponent party that loses the court case, it is the court to decide in accordance with legal provisions on obligation for payment of court process costs

473.3 Expenses that were paid by the court are officially calculated by the first degree court to the party that that has to pay for these expenses.

473.4 If the opponent of the party that is exempt from court expenses, has to pay the expenses, and it is determined that he can not do so, the court can decide that the expenses from paragraph 1 of this article be paid by the party that is exempt, depending on the value of the subject that was won in court. With this winning party obligation, earlier exempt from court expenses, is not attacked the right to be compensated by the loosing party for all court expenses according to the provisions.

T H I R D P A R T

SPECIAL CONTENTIOUS PROCEDURES

CHAPTER XXVI

CONTENTIOUS PROCEDURES IN WORK ENVIRONMENT

Article 474

If there are no special provisions regarding contentious procedures in work environment, then the other provisions of this law are applied.

Article 475

In contentious procedures in work environment, especially is setting the deadlines and court sessions, the court will always have in mind that these cases need to be solved as soon as possible.

Article 476

Court sets a deadline of seven (7) days in the order that an obligation is forced.

Article 477

The deadline for an appeal against an order is seven (7) days.

CHAPTER XXVII

CONTENTIOUS PROCEDURE BECAUSE OF POSSESSION REFUSAL

Article 478

If there are no special provisions in this article then other provisions set by this law are applies.

Article 479

In contentious procedures because of possession refusal, especially is setting the deadlines and court sessions, the court will always have in mind that these cases need to be solved as soon as possible, but each case will be looked into its nature and circumstances.

Article 480

Contentious procedures because of possession refusal charge has its limits only in the verification of the latest evidences and what kind of refusal is done. Exempt is the possibility on the examination of the property right, legal base, consciousness or unconsciousness of the possession. In these procedures exempt is the possibility to ask for the expenses caused by possession refusal.

Article 481

481.1 The deadline to fulfill their obligations, the court sets depending on the conditions of each case.

481.2 Appeal deadline is seven (7) days.

481.3 For important reasons, court can decide that the order's fulfillment will not be affected by the appeal.

481.4 No revision is allowed against orders given in the contentious procedures for possession refusal.

Article 482

The plaintiff losses the right in the final procedure to fulfill the order obligation by which the accused has to fulfill specific obligation, if he/she did not initiate the procedure within thirty (30) days of the primary deadline.

Article 483

Retrial of the contentious procedures because of the possession refusal that ended in decree absolute can be allowed only in cases determined in article 232, point a) and b) of this law, and only with thirty (30) days from the day that the verdict became decree absolute.

CHAPTER XXVIII

SMALL VALUE CONTENTIOUS PROCEDURES

Article 484

If there are no special provisions in this law for small value contentious procedures, the other provisions of this law are applied.

Article 485

485.1 In the provisions of this law, small value contentious procedures are considered statements of claims that deal with money, and that the sum is not larger then 500 Euros.

485.2 Small value contentious procedures are also considered statements of claim that do not deal with money, but in which the plaintiff declares that instead of his/her claims, a sum of no more then 500 Euros can be paid to him/her.

485.3 Small value contentious procedure is also considered hen in the statement of claim the subject of the dispute is of the value not larger then 500 Euros.

Article 486

Small value contentious procedure is not considered real estate property, work environment disputes and disputes because of the possession refusal.

Article 487

487.1 There is special appeal for the orders about small value contentious procedures when the process ends at the first degree court.

487.2 Other orders, which are allowed by this law, can be attacked only against the decision with which the procedure ends.

487.3 The orders from paragraph 2 of this article are not sent to the parties, but they will be published in the court session and will be part of the final decision.

Article 488

488.1 The minutes of the meeting of the small value contentious procedure should consist of, apart from the data in article 135, paragraph 1 of this law;

a) essential parties statements, especially the ones that accept or deny the statement of claim, if it is withdrawn from the statement of claim, as well as the statement that will be no appeal;

b) essential taken evidences;

c) orders that can be attacked by an appeal and that were published in the main hearing session;

d) that if the parties were present when the verdict is sentenced, were directed about the ways they can appeal.

Article 489

489.1 If the party changes the statement of claim and thus changes the requested sum and it is larger then 500 Euros, the procedure that began will continue and will end according to the provisions for general contentious procedures of this law.

489.2 If the plaintiff in the main hearing session that is held according to the provisions of this law as a general contentious procedure changes the statement of claim and asks for less than 500 Euros, then the procedure will continue according to the provisions of this law for small value contentious procedures.

Article 490

490.1 If the plaintiff does not come to the main hearing session, it will be considered that he/she dropped the statement of claim, except in the case asks the session to be held in his/her absence.

490.2 If both parties do not come to the main hearing session, it will be considered that the plaintiff has dropped the statement of claim.

Article 491

491.1 The verdict or the order by which small value contentious procedure ends can be appealed only if the essential provisions on contentious procedures were not followed, and if the material right is not sentences correctly.

491.2 In the verdict, order respectively, from paragraph 1 of this article, court has to mention the reasons why it can be appealed.

491.3 Parties can appeal with seven (7) days against the verdict, or the order from the first degree court from paragraph 1 of this article.

491.4 The deadline for the supplemental order regarding small value contentious procedures is seven (7) days.

CHAPTER XXIX

THE PROSEDURE FOR PAYMENT ORDER

Article 492

If there are no special provisions in this article, the general provisions of this law are applied.

Article 493

493.1 When the statement of claim requests money that is made available, and it is proven that it is a reliable document and it is added to the original charge or it is a certified copy, then the court will order the accused to fulfill the statement of claim (payment order)

493.2 Reliable documents are considered especially:

a) public documents;

b) private documents that are signed by debtors and is certified by the adequate body for certifications;

c) checks with protests and return bill, if they are necessary to form a request;

d) certified parts of the trade books for payments like water, electricity, garbage collection;

e) bills;

f) documents that according to the legal provisions have the importance of public documents.

493.3 Court gives payment order, even if the plaintiff does not ask for it if all facts and conditions support it.

Article 494

494.1 In cases where according to the law for final procedures, can be asked execution based on a reliable document, the court issues payment order if the plaintiff specifies the existence of the legal interest for it.

494.2 If the plaintiff can not specify the existence of the legal interest, the court drops charges as not allowable.

494.3 When the statement of claim has to do with the sum less than 500 Euros, and it was realized, the court issues payment order against the accused if the charges do not consist of a reliable document, but a legal base of sum is shown, as well as the evidences by which the obligation is shown.

494.4 Payment order from paragraph 1 of this article can be issued only against the main debtor.

Article 495

495.1 Court can issue payment order without any court session and only based on procedural material that is a part of the charges.

495.2 Court will specify that the accused has within seven (7) days, in check issues 3 days, to realize his/her obligation specified by court, after he/she received payment order in written. He/She has the right, within the same deadline, to present his/her disagreement. The court also informs the accused that if she/he does not act within the set time, the complaint will be dropped down.

495.3 Payment order is sent to both parties.

495.4 Attached to the payment order the accused also receives the charges as well as other documents that are its part.

Article 496

496.1 If the court does not approve the proposal to issue payment order then it will continue the general procedure according to the charges.

496.2 There is no appeal against the order when the proposal to issue payment order is dropped down.

Article 497

497.1 The accused can attack payment order only by turning it down.

497.2 If payment order is attacked only regarding the procedural costs then such an order can be attacked only by the appeal on the order.

497.3 If it is not attacked by rejection, payment order becomes decree absolute.

Article 498

498.1 Court will rule out, with no court session, any rejection that is late or insufficient.

498.2 If it is issued within the set deadline, the court will decide if there is a need to convene preparatory session or the main hearing session.

498.3 During preparatory session the parties can present new facts and evidences, as well as propose new evidences, while the accused can do new objections regarding payment order.

Article 499

In the main hearing verdict the court will decide if payment order should be realized in full, partially, or is annulled.

Article 500

500.1 If the accused thinks that legal conditions were not fulfilled to issue payment order (article 493 and 494), or that there are procedural obstacles in further proceeding then the court will first decide about this claim. If the court decides that there are bases for such a claim, payment order will be destroyed, and after this decision becomes decree absolute, the main hearing session will begin, if it is necessary.

500.2 If the court does not approve such a claim, they will continue with the main hearing session, while the court order will become a part of the main subject.

Article 501

If connected to the rejection by which there is a belief that the statement of claim is still not achieved, the court decides that it is realized when it issues payment order, but before the main hearing session ends, the court will annul the order on payment order and will decide on the statement of claim.

Article 502

502.1 If the court after payment order is declared incompetent regarding the subject then it annuls it and after the order of incompetence becomes decree absolute, sends the matter to the court that is suitable.

502.2 If the court sees that it has no territorial competence after payment order is ordered, it will not annul it, but after the order on incompetence becomes decree absolute, will send the subject to the court that has territorial competence.

502.3 The accused can claim that payment order issued by the court is incompetent in territorial aspect only if he/she presented the rejection against payment order.

Article 503

503.1 Court can be declared incompetent in the territorial aspect only until the moment when the payment order is issued

503.2 The accused can claim that payment order is incompetent in territorial aspect only if he/she presented the rejection against payment order

Article 504

504.1 If the court drops down the charges, for the reasons determined by this law, then it will immediately annul payment order.

504.2 The plaintiff can withdraw charges without the approval of the accused only until the rejection appears. If the plaintiff withdraws the charges, the court will annul payment order by an order.

504.3 If the plaintiff, until the moment of the main hearing session closure, withdraws from all rejections done, payment order remains in power.

CHAPTER XXX

PROCEDURE IN TRADE DISPUTE

Article 505

505.1 In trade disputes provisions regarding general procedure are applied, if it is not determined differently in this chapter.

505.2 Procedural rules for trade disputes are applied in all disputes that according to the law on courts belong to the trade court apart from the disputes for which is competent according to the attraction of the subject competence.

Article 506

Facts regarding goods and services that are documented in standard business books are examined by these documents.

Article 507

The judge is authorized, to convene a session by telephone or telegram, in urgent cases.

Article 508

Revision in trade disputes is not allowed if the value of the disputed subject dispute does not exceed 10.000 Euro.

Article 509

509.1 In trade dispute procedure these deadlines are valid:

a) seven (7) days to answer the charges;

b) fifteen (15) days to come with the proposition to return to the previous state from the article 130 paragraph 3 of this law;

c) seven (7) days to appeal against the order or verdict;

d) three (3) days to submit the answer to the appeal;

e) seven (7) days to fulfill the monetary obligation, and to fulfill the non monetary value, can postpone the deadline.

Article 510

510.1 In the procedure for the small value trade dispute are considered only statements of claim that do not exceed 3.000 Euros.

510.2 Small value trade disputes are considered statements of claim that do not consist only of monetary value, but when the plaintiff states that instead of the subject of the matter, he/she can have a substitute of monetary value less then 3.000 Euros.

510.3 Small value trade contest is considered also the dispute in which the matter disputed is not money, but the object whose value does not exceed 3.000 Euros as stated in the statement of claim by plaintiff.

CHAPTER XXXI

PROCEDURE DURING ARBITER TRAILS

Article 511

511.1 The parties can agree on trial settlement, with their free rights, can trust them to the arbiter.

511.2 Agreement on arbiter can by parties so they can resolve a dispute or to solve disputes that can appear amongst them from the legal material relationship. Agreement on arbiter is valid only if it is done in a written form.

511.3 Agreement on arbiter is considered in the written form even if it is done through letters, telegrams, or other means of telecommunication that can prove the written agreement.

511.4 Agreement on arbiter is considered written if it is done through charge exchange, where the plaintiff claims that there is an agreement, and the accused does not deny such a possibility.

511.5 Agreement on arbiter can be examined only through documents.

Article 512

Arbitrary agreement is valid also when the arbitrary competence is in general conditions for legal material contact bond.

Article 513

513.1 Number of the arbiters in arbitrary should always be odd.

513.2 If in the parties' agreement the number of the arbiters is not decided, then each party names an arbiter, and then they chose the arbitrary chair.

Article 514

514.1 If the parties have decided on the arbitrary competence, the court that has received the charges to resolve the same dispute between the same parties, according to the rejection of the accused is announced incompetent, annuls its procedures and by an order drops down the charges as unacceptable.

514.2 Rejection from paragraph 1 of this article, the accused can present until the answer to the charges appears.

Article 515

515.1 The party that according to the arbitrary agreement has to name an arbiter can invite the opponent that within fifteen (15) days to do so and to notify for its decision.

515.2 The invitation from paragraph 1 of this article is valid only if the party that has done so has named the arbiter and has informed the opponent about this.

515.3 When according to the arbitrary agreement, the arbiter is named by the third party, any of the parties can invite such a person according to paragraph 2 of this article.

515.4 The invited person to name the arbiter in the arbitrary is bonded by this until when the opponent is notified about it, one of the parties respectively.

Article 516

516.1 If the arbiter is not named in the set time, and there is nothing else from the agreement, state court proposes the arbiter according to the parties' proposition.

516.2 If the arbiters can decide on the president, and nothing else comes out from the agreement, the state court names him/her by any arbiters' proposition or any parties' proposition.

516.3 It is in the first degree court's power that is competent to solve the dispute to name arbiter, the president respectively.

516.4 There is no appeal against the court order.

516.5 The party that does not want to use the authorizations from paragraph 1 and 2 of this article can ask by charges from the competent court for arbiter and arbitrary president naming to present arbitrary agreement as not valid.

Article 517

517.1 Except from cases as in article 516 of this law, each party can ask by charges from state court to declare arbitrary agreement as not valid if:

a) the parties can not agree on the arbiter within thirty (30) days that they should name together;

b) the person that has been as assigned as arbiter can not or will not exercise this obligation

517.2 Court mentioned in article 516 paragraph 3 of this law is competent to decide on the raise charges.

517.3 In the session where the plaintiff request is examined, the court invites both parties, but it can bring the decision itself if the parties do not come to court and have been invited regularly.

Article 518

518.1 Arbiter has to sign a written declaration that he/she accepts the duty. This can be done even when he/she signs the parties agreement on arbitrary.

518.2 Arbiter has to fulfill the assigned duty in time and not to delay the arbitrary process. The parties can relieve him/her from the duty, if they did not decide differently, if the arbiter does not fulfill the duties in time and in the proper way.

518.3 Arbiter has the right to be compensated for the delivered services. The parties share equally the arbiter expenses.

Article 519

519.1 Arbiter has the obligation to be excluded when there are reasons for expulsion in the same way as they exist for the judge of the state court set by this law.

519.2 The parties can also ask for the expulsion, if the arbiter does not have needed qualifications on which they agreed as well as when the arbiter does not fulfill its obligation as set in article 516 paragraph 2 of this law.

519.3 The party that has named the arbiter can on its own, or both parties can, to ask for expulsion after the arbiter is named, if it found out later the reasons to do so, or the reasons appeared at the later stage.

519.4 The parties can agree on the arbiter expulsion procedure, but can not avoid the execution of the provisions of paragraph seven (7) of this article.

519.5 When there is no agreement from paragraph 4 of this article, the party has to present the request for expulsion of the arbitrary arbiter within fifteen (15) days it was notified about the arbiter or any other circumstance from paragraph 1 and 2 of this article. The request for expulsion should be in written and has to have the reasons for expulsion.

519.6 If the arbiter, whose expulsion is requested by a party, does not withdraw from arbitrary, the decision on expulsion is brought by the arbitrary court where the arbiter is present.

519.7 If the expulsion request is not successful, the party that requested so can turn to the state court from article 516 paragraph 3 to decide on arbiter expulsion. This request should be presented within thirty (30) days from the day when the decision on arbitrary is brought by which is refused to expel the arbiter.

Article 520

520.1 Arbitrary court decides on its own competence, as well as for rejections on arbitrary agreement validity.

520.2 Arbitrary incompetence rejection should be answered by the plaintiff with an answer to the charges. When it is determined that rejection delay is justifiable arbitrary can take into consideration delayed rejection.

520.3 If the arbitrary considers itself competent to resolve the dispute, each party can ask from the state court mentioned in article 516 paragraph 3 of this law to decide about the surfaced problem. The request should be presented thirty (30) days from the day when the party received arbitrary decision.

Article 521

If the parties do not agree differently, the arbitrary procedure is set by arbitrary itself.

Article 522

522.1 Arbitrary can not sentence verdicts, or force witnesses, parties, and other persons that participate in the arbitrary process.

522.2 Arbitrary can ask for legal help the state court with the territorial competence in evidence collection if it con do it itself.

522.3 During evidence collection procedure, provisions regarding evidence collection from the ordered court, from this law will be applied.

Article 523

Arbitrary can bring a decision based on honor (ex aequo et bono) if the parties authorized it to do so.

Article 524

524.1 When arbitrary consists of several arbiters, the verdict is taken by the majority of votes, if it is not determined something differently by the arbitrary agreement.

524.2 If the necessary majority of votes can not reached arbitrary has to inform parties about this.

524.3 If the parties did not agree differently, in case of paragraph 2 of this article, each party has the right to press charges on arbitrary validity in the future to the state court mentioned in article 516, paragraph 3.

Article 525

525.1 Arbitrary verdict has to have explanatory part only when parties did not determine it differently.

525.2 The original of the verdict, as well as the copies, are signed by all arbiters.
525.3 The verdict is valid even if any arbiter did not sign it if the majority did so. In such a case, in the verdict should be stated who refused to sign it.

525.4 Parties receive copies of the verdict through the court mentioned in article 522, paragraph 3 of this law.

Article 526

Verdict's original and the receipts of its delivery to the parties are kept by the court mentioned in article 516, paragraph 3 of this law.

Article 527

527.1 Arbitrary verdict is of decree absolute towards the parties if it not set in arbitrary agreement the possibility of the attack on verdict at the second degree court.

527.2 Court set in article 516 paragraph 3 of this law, by parties' request, puts on verdict's copies clausal (proof) about verdict's execution and validity.

Article 528

528.1 Arbitrary verdict can be annulled by a party request.

528.2 To act with the charge is competent the state court mentioned in article 516, paragraph 3 of this law.

Article 529

529.1 Arbitrary verdict annulment can be requested:

a) if there was no agreement on arbitrary or if it is not valid;

b) if a provision of this law, or the agreement on arbitrary is broken regarding the arbitrary content or the verdict;

c) if the verdict does not have explanatory part according to the article 525 paragraph 1 of this law, or if the original and the copies of the arbitrary verdict are not signed as set in article 525 paragraph 2 of this law;

d) if the arbitrary court exceeded its jurisdiction;

e) if the verdict is not understandable or if it contradicts itself;

f) if the court sees that, even if the party does not mention is a reason for annulment, that the arbitrary verdict is contradicting legally with out country;

g) if there exists any reason to redo the dispute procedure by article 232 of this law

Article 530

530.1 The arbitrary verdict annulment charges can be raised within thirty (30) days in the competent court.

530.2 If the arbitrary verdict annulment is requested for the reasons stated in the article 529 points a) - f) of this law, thirty (30) days are counted from the day when the verdict is given to the party, but if the party, because of annulment was informed later, then the deadline is counted from the day that the party found out about it.

530.3 In the aspect of accounting of the term, when the annulment is requested for the reason stated in point g) of the article 529 of this law, will be applied adequate provisions of the article 234 point a) and b) of this law.

530.4 A year after arbitrary verdict becomes decree absolute and no annulment can be requested.

Article 531

Parties by their agreement can not avoid the implementation of article 519 paragraph 1 and 2, article 525, paragraph 2 and 3, and articles 528-531 of this law.

CHAPTER XXXII

TRANSITIONAL AND LAST PROVISIONS

Article 532

532.1 If the court process stared at the first degree court prior this law is enacted, then the procedure will continue according this law's provisions.

532.2 In legal matters from paragraph 1 of this article when preparatory or main session is convened, but before the main hearing, the court will revoke the order by which the session is convened and will ask the plaintiff to present written charges according to the provisions of this law.

532.3 In cases from paragraph 1 of this article, when the main hearing session has started, it is the court's obligation that the future sessions do all actions according to the provisions of this law regarding preparatory session. Such a session will cause all procedural consequences that the preparatory session has according this law's provisions.

Article 533

533.1 If the first degree verdict is given before this law is enacted, or if the order ended the procedure at the first degree court, then the procedure will continue according to the provisions valid so far.

533.2 If after this law is enacted, first degree court verdict is annulled according to paragraph 1 of this article, then the procedure will continue according to this law.

533.3 On revision that appeared against the second degree verdict that became decree absolute, in a trial that started before this law is enacted, the dispute procedures that were in power will be valid until this law comes to power.

Article 534

If before this law is enacted, the charges were presented to the accused, then in continuation, the provisions of article 150 of this law will not be valid, but the conditions to give a verdict will be judged by the provisions that are in power now.

Article 535

From the day this law is enacted, suspended procedure will continue according this law's provisions.

Article 536

Arbitrary procedure provisions of this law will be used in contracted arbitrary after this law is enacted.

Article 537

When this law is enacted, no longer are valid: Law on contentious procedure ("Official SFRY Gazette", Nr. 4/76, as well Laws on change and supplement of the Law on contentious procedure published in "Official SFRY Gazette", Nr. 36/77, 36/80, 69/82, 58/84, and 74/87) as well as later stage provisions.

Article 538

This law enters into force fifteen (15) days after its publication in Official Gazette of Republic of Kosovo.

Law No. 03/L-006
30 June 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI