



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

Law No.03/L –139

ON EXPROPRIATION OF IMMOVABLE PROPERTY
With amendments and supplements made on the Law No.03/L-205 dated 28
October 2010

The Assembly of Republic of Kosovo;

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

Approves:

LAW ON EXPROPRIATION OF IMMOVABLE PROPERTY
With amendments and supplements made on the Law No.03/L-205 dated 28
October 2010

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose of Law

1. This law sets out:

- 1.1. the rules and conditions under which the Government or a Municipality may expropriate a Person's ownership or other rights in or to immovable property;
- 1.2. the rules and conditions under which the Government may authorize the temporary seizure and use of immovable property;
- 1.3. the procedures governing the conduct of such an act of expropriation or seizure;

1.4. the rules and procedures that shall be used in determining the amount and payment of compensation for such an expropriation or seizure; and

1.5. other provisions governing ancillary matters related to such an expropriation or seizure.

Article 2 Definitions

1. For the purpose of interpreting and applying this law, the following defined terms shall – whenever used in this law - have the indicated meaning unless the context within which such term appears clearly intends another meaning:

“Applicant” shall mean a Public Authority, POE or other Person identified in paragraph 3 of Article 7 of this law that submits an expropriation application to an Expropriating Authority for the expropriation of property. If the Expropriating Authority is acting on its own initiative, it shall be deemed to be the applicant.

“Beneficiary” shall mean the Person or Public Authority that, in accordance with Article 14 of this law, receives a right of use and/or management over expropriated property from the concerned Expropriating Authority.

“Business Day” shall mean any day that is not a Saturday or a Sunday or an official holiday in Kosovo.

“Central Public Authority” means any Public Authority that is not a Municipal Public Authority.

“Comprehensive Proposal” means the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007.

“Expropriating Authority” shall mean a Municipality or the Government having the authority to expropriate property under Article 4 of this law.

“Expropriation” shall mean any act by an Expropriating Authority that involves (i) the taking of any lawful right or interest held or owned by a Person in or to immovable property, or (ii) the compulsory establishment or creation of any servitude or other right of use over immovable property; provided, however, that the term “Expropriation” shall not apply to lawful actions taken by a public authority to enforce a lien on immovable property that has arisen under, or been established pursuant to, another law or a written contract.

“Final Decision” shall mean a decision adopted by an Expropriating Authority pursuant to the requirements of Article 11 of this law.

“Immovable Property” shall include (i) land, (ii) buildings or specific parts of a building constructed on, above or under the land surface (iii) any fixtures and accessory parts that have been permanently attached to land or a building and that cannot, without unreasonable or uneconomic effort, be removed, and (iv) any unsevered fruits attached to such land.

“ICMM” shall mean the Independent Commission for Mines and Minerals.

“Infrastructure Contract” means a contract for the construction, enlargement, establishment or placement of significant works, infrastructure and/or facilities that promote the general economic and/or social welfare of Kosovo, and includes – but is not limited to – an agreement establishing a Public-Private Partnership.

“Interest Holder” shall mean and include any Person holding a specific lawful interest, other than an ownership interest, in or to immovable property.

“Municipal Public Authority” shall mean (i) a municipal authority or municipal body specified in the Law on Local Self Government, (ii) a department or other part or subunit of such a municipal authority or municipal body, or (iii) any other body or authority that has been established by such a municipal authority or municipal body.

“Municipality” shall have the meaning assigned thereto by the Law on Local Self Government.

“Owner” shall mean and include any Person holding an ownership interest in or to immovable property.

“Person” shall mean a natural person, Undertaking or Public Authority.

“POE” means a publicly owned enterprise that has been classified as such by or pursuant to the Law on Publicly Owned Enterprises.

“Preliminary Decision” shall mean a decision adopted by an Expropriating Authority pursuant to the requirements of paragraph 1 of Article 10 of this law.

“Public Authority” means any of the following: (i) any public body, authority or agency that exercises, pursuant to the law of Kosovo, public executive, legislative, regulatory, administrative or judicial powers, and includes (ii) any department or other part or subunit of such a public body, authority or agency.

“Public-Private Partnership” or “Partnership” shall mean a public-private partnership established pursuant to the Law on Public-Private Partnerships.

“Tendering Body” means a Public Authority that has, under the provisions of an international agreement or a law adopted by the Assembly, the authority to conduct a tendering procedure leading to the award of an Infrastructure Contract;

“Undertaking” shall mean any body, establishment, institution, association, enterprise, business organization, legal entity, or other organization.

2. Words of any gender used in this law shall include any other gender and words in singular number shall be deemed to include the plural and the plural to include the singular.

3. Unless the context clearly requires another interpretation, any reference in this law to another law, regulation or sub-normative act, or any specific provision(s) thereof, shall be interpreted as including any and all amendments thereto. If such a law, regulation or sub-normative act is repealed and replaced with successor legislation governing the same subject matter, such reference shall be interpreted as meaning such successor legislation and, where applicable, the analogous provision(s) thereof.

Article 3 General Provisions

1. Only an Expropriating Authority specified in Article 4 of this law shall have the authority to expropriate immovable property. The authority of any such Expropriating Authority to expropriate immovable property shall be strictly subject to the limits, procedures, rules and conditions specified in this law. No other Public Authority shall have the authority to expropriate property.

2. This law only regulates the formal expropriation and seizure of immovable property by a Public Authorities. Nothing in this law shall be interpreted as restricting a person’s right, whether arising under the Constitution, another law or an international agreement, to claim and seek compensation for losses caused by a measure or act, or by a series of measures or acts, taken or adopted by one or more Public Authorities if such act(s) or measure(s) can be demonstrated to have an effect that is substantially equivalent to an expropriation.

3. The object of an expropriation within the scope of this law may be private ownership or other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution or the Comprehensive Proposal specifically provides shall not be subject to expropriation.

4. It is further provided that the Government, acting under the authority of paragraph 3 of Article 4 of this law, may expropriate the ownership or other rights of a Municipality or a Municipal Public Authority in or to immovable property. In such a case, it is specifically provided that the concerned Municipality or Municipal Public Authority shall have the same rights provided by this law to a private Person, including the rights to challenge in court the legitimacy of the expropriation and/or the adequacy of compensation. Except for acts taken in the exercise of such rights, no Municipality or Municipal Public Authority shall obstruct or interfere with the conduct of the Expropriation. In particular, it is specifically provided that:

4.1. in no case shall a Municipality or Municipal Public Authority object to or obstruct the conduct of any Expropriation conducted by the Government under the authority of this law because such Expropriation is or may be inconsistent with a spatial or urban plan or other legislative act or decision of a Municipal Public Authority, and

4.2. this law - and lawful Expropriations by the Government under the authority of this law - shall prevail over any such plan, act or decision.

Article 4

Legitimate Public Purpose; Necessity; No Discrimination; Expropriating Authority

1. An Expropriating Authority shall have the authority to expropriate immovable property only when all of the following conditions are satisfied:

1.1. the Expropriation is directly related to the accomplishment of a legitimate public purpose within its competence as specified in paragraph 2 or 3 of this Article;

1.2. the legitimate public purpose cannot practically be achieved without the Expropriation;

1.3. the public benefits to be derived from the Expropriation outweigh the interests that will be negatively affected thereby;

1.4. the choice of the property to be expropriated has not been made for, or in the furtherance of, any discriminatory purpose or objective; and

1.5. the Expropriating Authority has complied with all applicable provisions of this law.

2. The Expropriating Authority of a Municipality shall be the mayor of such Municipality unless the municipal assembly of such Municipality designates, through an act adopted pursuant to Article 12 of the Law on Local Self Government, another Municipal Public Authority to act as the Municipality's Expropriating Authority. The Expropriating Authority of a Municipality may expropriate immovable property only if:

2.1. the conditions specified in paragraph 1 of this Article are satisfied;

2.2. the Expropriation will exclusively affect private rights falling within the scope of paragraph 3 of Article 3 of this law;

2.3. the concerned immovable property lies wholly within the Municipality's borders, and

2.4. the Expropriation is clearly and directly related to the accomplishment of one of the following public purposes:

2.4.1. the implementation of an urban and/or spatial plan that has been adopted and promulgated by a Municipal Public Authority in accordance with all applicable legal requirements;

2.4.2. the construction or enlargement of a building or facility to be used by a Municipal Public Authority to fulfill its public functions; or

2.4.3. the construction, enlargement, establishment or placement of any of the following infrastructure and/or facilities if this promotes the general economic and/or social welfare of the municipality or provides a public benefit to the population of the municipality and otherwise complies with applicable legal requirements:

2.4.3.1. municipal roads (roads lying entirely within the Municipality) providing transportation services to the public;

2.4.3.2. public facilities needed for the provision of public education, health and/or social welfare services within the Municipality by a Municipal Public Authority;

2.4.3.3. pipes for providing public water and sewage services to residences within the Municipality;

2.4.3.4. municipal landfill sites and sites for the depositing of public waste;

2.4.3.5. municipal public cemeteries; or

2.4.3.6. municipal public parks and municipal public sports facilities; or

2.4.4. the acquisition of the surface rights needed by a Municipal Public Authority to implement an artisanal mining license granted to the Municipality by the ICMM pursuant to the Law on Mines and Minerals.

3. The Government shall have the authority to expropriate property for any legitimate public purpose not specified in sub-paragraphs 2.4.1 through 2.4.4 of this Article if the conditions specified in paragraph 2 of this Article are satisfied. With respect to such an Expropriation, the Government shall be the Expropriating Authority. Legitimate public purposes within the scope of this paragraph shall include, but not be limited to, the following:

3.1. the implementation of an urban and/or spatial plan that has been adopted and promulgated by a Central Public Authority in accordance with all applicable legal requirements;

3.2. the construction or enlargement of a building or facility to be used by a Central Public Authority to fulfill its public functions;

3.3. the construction, enlargement, establishment or placement of infrastructure and/or facilities that promote the general economic and/or social welfare of Kosovo or provide another public benefit, including, but not limited to, the construction, enlargement, establishment or placement of:

3.3.1. state or inter-municipal roads providing transportation services to the public, including toll roads;

3.3.2. railways providing transportation services to the public;

3.3.3. works, facilities, safety areas or fuel storage or disposal sites for or relating to the generation, supply, transmission or distribution of energy;

3.3.4. mines and other works, safety areas and facilities for or relating to activities involving the exploitation of mineral resources;

3.3.5. telecommunication lines and facilities, including telegraph and telephone lines, as well as radio and television facilities;

3.3.6. public facilities needed for the provision of public education, health and/or social welfare services by a Central Public Authority;

3.3.7. trunk pipelines required by a POE to provide water and sewage services to the public;

3.3.8. landfill sites and sites for the depositing of public waste;

3.3.9. dams;

3.3.10. public water reservoirs;

3.3.11. state cemeteries for distinguished veterans and public servants;

3.3.12. public airports, including the required security zones around public airports;

3.3.13. state public parks and state public sports facilities;

3.3.14. environmental or nature reserves, including those to which public access may be restricted; or

3.3.15. works, infrastructure, facilities, areas or sites covered by, or reasonably needed for the implementation of an Infrastructure Contract awarded by a Tendering Body; or

3.4. the protection of a monument of cultural heritage or a site of significant archeological, historic or scientific nature, but only if the site has been lawfully designated as such by a resolution of the Assembly and either:

3.4.1. the owner of the immovable property where such a monument or site is located refuses to protect or – due to objective impossibility – cannot protect such monument or site; or

3.4.2. such owner agrees to or requires the concerned property to be expropriated.

4. Property expropriated by the Expropriating Authority of a Municipality shall, upon completion of the expropriation process, become the property of the Municipality.

5. Property expropriated by the Government shall, upon completion of the expropriation process, become the property of the Republic of Kosovo.

CHAPTER II PREPARATORY ACTIVITIES

Article 5 Preparatory Activities

1. At any time prior to initiating an expropriation procedure an Expropriating Authority may authorize the conduct of preparatory activities to determine the potential usefulness of one or more parcels of immovable property for a public purpose. Any such authorization shall be specified in detail in a written decision of the Expropriating Authority. Such written decision shall specify the parcel or parcels of immovable property to which the authorization relates, and shall become effective on the date the publication requirements of paragraph 2 of this Article have been fulfilled.

2. The Expropriating Authority shall publish each such decision authorizing the conduct of preparatory activities in the Official Gazette of Kosovo and in a newspaper enjoying wide circulation in Kosovo

3. To facilitate the professional conduct of preparatory activities, the Expropriating Authority may assign the authority to conduct such preparatory activities to another

Public Authority or to a third party having the necessary expertise. If such third party is to be compensated for such preparatory activities with public money, such third party shall be selected through a lawful procurement process.

4. Preparatory activities may be conducted without the permission of the concerned Owners and Interest Holders.

5. The conduct of preparatory activities shall be subject to the following conditions:

5.1. the Expropriating Authority, or the authorized Public Authority or third party, shall provide any Person who is or who claims to be an Owner or Interest Holder with respect to property that will be subject to preparatory activities at least twenty (20) Business Days' advance written notice of the times during which such activities will be conducted on each parcel of property; provided, that such notice is required to be given only to:

5.1.1. such Persons whose names and addresses may be ascertained from the cadastral and other official immovable property records in Kosovo, including the records of the Kosovo Property Agency and the most recent property tax records, and

5.1.2. other Persons who are then continuously and lawfully using the concerned property for residential or business purposes;

5.2. such preparatory activities shall be conducted during normal business hours on Business Days unless:

5.2.1. the nature or purpose of the preparatory activities requires that they be conducted at other times, or

5.2.2. the location of the preparatory activities, including any route (other than a public street or road) used to enter or leave such location, will be at least one hundred (100) meters from any building lawfully being used for residential purposes; and

5.3. such preparatory activities shall be conducted in a manner that reasonably minimizes the amount of inconvenience or interference to any person then lawfully using the property.

Article 6

Compensation for Damage Caused by Preparatory Activities

1. Any Person who is an Owner or Interest Holder with respect to immovable property that is the subject of preparatory activities shall have a right to compensation for:

1.1. any loss of use or enjoyment of the property or any part thereof during the conduct of the preparatory activities, and

1.2. any other damage caused to the property or to such Person by such preparatory activities.

2. The Expropriating Authority shall be liable for the prompt payment of such compensation. If and to the extent specifically provided for by the decision authorizing the preparatory activities or by a contract, the Expropriating Authority shall have a right to reimbursement from the Public Authority or third party authorized to conduct the preparatory services.

3. The compensation required by paragraph 1 of this Article shall be in addition to any compensation required if the property becomes the subject of an Expropriation decision.

4. If the Expropriating Authority and the concerned Owner or Interest Holder cannot agree on amount of compensation required by paragraph 1 of this Article, the concerned Owner or Interest Holder shall have a right to file a claim for such compensation with the competent court.

CHAPTER III EXPROPRIATION PROCEDURE

Article 7 Initiation and Termination of Expropriation Procedure

1. If all applicable conditions previously specified in Article 4 of this law are present, the concerned Expropriating Authority may proceed to carry out the concerned expropriation in accordance with the applicable procedures and requirements further established by this law.

2. An expropriation procedure may be initiated by the responsible Expropriating Authority, as determined in accordance with Article 4 of this law, on its own initiative or pursuant to an application submitted to the Expropriating Authority.

3. Applications may be submitted by a Public Authority or a POE. If the Expropriating Authority is the Government, an application may also be submitted by:

3.1. a Public-Private Partnership;

3.2. a party to an Infrastructure Contract awarded by a Tendering Body; or

- 3.3. any lawful heir, successor, assignee or transferee of such a Partnership or party. If the Expropriating Authority is acting on its own initiative, it shall cause one or more of its members or officials to prepare and submit the application.
4. An Expropriation procedure, or the relevant aspect thereof, shall be concluded or terminated when:
- 4.1. the ownership right over the expropriated property is lawfully registered in the name of the Municipality (if the Expropriation was conducted by the Expropriating Authority of such Municipality) or the Republic of Kosovo (if the Government is the Expropriating Authority) after the conduct of the procedure and the payment of the compensation required by this law;
 - 4.2. if the Expropriating Authority issues a decision that rejects, in whole or in part, the application for Expropriation:
 - 4.2.1. upon the expiration of the time period during which the Applicant may file a complaint with the competent court challenging such decision, if the Applicant has not timely filed such a complaint, or
 - 4.2.2. if the Applicant has timely filed such a complaint, the date on which a final non-appealable judgment has been issued by that court, or if applicable, an appellate court;
 - 4.3. prior to the adoption of an Expropriation decision, the Applicant withdraws its application, in whole or in part; or
 - 4.4. a final non-appealable judgment of a competent court requires such conclusion or termination.
5. From the day the Expropriation becomes effective: all pre-existing ownership and possessory rights, security interests, servitudes, construction rights, preemption rights and any other rights in or to the property expropriated by the Expropriation decision shall be terminated.

Article 8

Application for Expropriation

1. An application for Expropriation shall contain the following:
- 1.1. the name and address of the Expropriating Authority and, if the Expropriating Authority is not acting on its own initiative, the name and address of the Applicant.

- 1.2. the name and address of each Person who is, or who claims to be, an Owner or Interest Holder with respect to each and every concerned parcel of immovable property in so far as this information may be readily ascertained from the available cadastral and other official immovable property records in Kosovo, including the records of the Kosovo Property Agency and the most recent property tax records;
 - 1.3. the location and number of each and every concerned parcel of immovable property, and – if less than the entire area of any such parcel is to be expropriated and/or if less than all rights relating to any such parcel are to be expropriated – a specific description of the part and/or rights that are the subject of the application;
 - 1.4. for each such parcel, a description of any and all rights (whether confirmed or claimed) relating to such parcel that the Applicant is requesting to be expropriated.
 - 1.5. a detailed description of the public purpose for which the expropriation is being requested;
 - 1.6. any significant documents demonstrating the legitimacy of the public purpose and/or the necessity of the applied for expropriation (or, if any such document is publicly available electronically, a clear indication of where such document may be obtained);
 - 1.7. information on whether, and to what extent, the requested expropriation includes fixtures, accessory parts and/or fruits of the immovable property; and
 - 1.8. detailed information, to the extent this is ascertainable from the records specified in sub-paragraph 1.2 of this paragraph, on any limitations on or disputes regarding the ownership or other rights or interests held or claimed to be held by Persons identified under sub-paragraph 1.2 of this paragraph.
2. The following documents shall be attached to the application for expropriation:
- 2.1. for each concerned parcel: a copy of the possession list and other immovable property records relating thereto;
 - 2.2. the concerned cadastral plans and maps covering the concerned parcel(s);
 - 2.3. if more than one parcel is subject to the application, maps showing all such parcels and the surrounding area;
 - 2.4. an extract of the current spatial or urban plan covering such parcels, if such a plan exists;

- 2.5. if applicable, any draft proposal or plan that has been submitted to the competent Public Authority for a building or facility that is planned or proposed to be constructed or enlarged on the property.
3. The application for Expropriation shall be accompanied by documentation that provides satisfactory evidence that sufficient financial means are or will be available for the timely payment of the compensation that is reasonably estimated to be required in the event the application is approved.
4. If the Expropriating Authority is the Government, and a right of use and/or management over the concerned property is to be sold, leased, granted or transferred by the Government to a Public-Private Partnership or a private Person pursuant to Article 14 of this law, and such Partnership or Person is obligated to pay the costs that will be incurred by the Government in conducting the Expropriation, such Partnership or Person shall be required, concurrent with the submission of the application, to post a performance bond or irrevocable bank guarantee in favor of the Government in an amount that is reasonably estimated to equal the amount of such costs. Such bond or guarantee shall be submitted with the application and shall be acceptable only if issued by a financial institution that meets the minimum qualification requirements established by the CBK.
5. Within fifteen (15) days after receiving the application, the Expropriating Authority shall make a prima facie review of the application to determine whether it appears to satisfy the legal requirements set out in Article 4 and paragraphs 1 through 3 of this Article. If the Expropriating Authority determines that the application does not appear to fulfill any such requirement, it shall not accept the application, which shall be returned to the applicant together with a written statement of the reasons as to why the Expropriating Authority refused to accept the application. If the Expropriating Authority determines that an application appears to satisfy the referenced requirements, it shall adopt a written decision formally accepting the application for further processing in accordance with this law.
6. Within five (5) Business Days after adopting a decision accepting an application for further processing, the Expropriating Authority shall send a copy of the application and all documents attached thereto to the Office of Immovable Property Valuation established pursuant to Article 22 of this law and - if the Expropriating Authority is the Government - to the mayor of each municipality where each parcel of the concerned property is located.
7. Within ten (10) Business Days after adopting a decision accepting an application for further processing, the Expropriating Authority shall send the following documents to the Persons identified in the application pursuant to the requirement of sub-paragraph 1.2, paragraph 1 of this Article:
- 7.1. a copy of the Expropriating Authority's decision accepting the application for further processing;

7.2. a copy of the application and all documents attached thereto;

7.3. a notice that:

7.3.1. describes the public purpose for which the Expropriation has been requested;

7.3.2. specifies the time period, in accordance with paragraph 1 of Article 10 of this law, within which the Expropriating Authority is required to approve or reject the application;

7.3.3. states that any interested Person may submit written comments on the proposed Expropriation to the Expropriating Authority by a specified date, which shall be determined in accordance with paragraph 1 of Article 9 of this law;

7.3.4. states that:

7.3.4.1. the Expropriating Authority will hold a public hearing on the concerned expropriation in each Municipality where concerned property is located;

7.3.4.2. any Person who is a public official of the Municipality where the hearing is being held, or an Owner or Interest Holder with respect to concerned property lying within the Municipality where the hearing is being held, or the lawful attorney or representative of any such Person, shall have the right to attend such hearing;

7.3.4.3. any such Person shall be given a reasonable opportunity to orally provide his/her views on the applied for Expropriation at such hearing in accordance with paragraphs 2 through 4 of Article 9 of this law; and

7.3.4.4. any Person who desires to attend and provide his/her views at such hearing must bring with them reasonable documentary evidence demonstrating that he/she is such a public official, Owner or Interest Holder, or the lawful attorney or representative of such a public official, Owner or Interest Holder.

7.3.5. provides a schedule, in accordance with the requirements of paragraph 2 of Article 9 of this law, specifying the date, time and place of each public hearing; and

7.3.6. contains the following statements:

In the event that property covered by the application is expropriated at the conclusion of the expropriation procedure initiated pursuant to that application, no compensation will be owed or paid for the cost or value of any improvements made to such property, any facilities constructed or enlarged on the property, or any trees or crops planted on such property after the date the relevant publication requirements of paragraph 8 of Article 8 of the Republic of Kosovo's "Law on the Expropriation of Immovable Property" of 2009 have been fulfilled.

Any person who claims to hold an ownership or other lawful interest in the concerned property is advised to review such law and to consider seeking professional legal advice to assist them in understanding their rights and obligations under that law.

- 7.4. a copy of this law; and
 - 7.5. a copy of the valuation standards referred to in paragraph 6 of Article 15 of this law.
8. Within ten (10) Business Days after adopting a decision accepting an application for further processing, the Expropriating Authority shall publish in the Official Gazette and in a newspaper enjoying wide circulation in Kosovo:
- 8.1. such decision; and
 - 8.2. a notice that:
 - 8.2.1. sets forth the information provided in the application pursuant to the requirements of sub-paragraphs 1.1 through 1.4 of this Article;
 - 8.2.2. sets forth the information and statements required by sub-paragraph 7.3 of this Article; and
 - 8.2.3. contains an additional statement that any Person not named in the notice who claims to hold an ownership or other lawful interest in any parcel of the property described in the notice is required to immediately provide the Expropriating Authority with a written description of such claim and the legal basis therefore together with certified copies of any and all documents relating to such claim.
9. Within seven-to-ten (7-10) calendar days after first publishing the notice required by paragraph 8 of this Article, the Expropriating Authority shall again publish such notice in the same newspaper enjoying wide circulation in Kosovo.

Article 9
Public Comment Period and Public Hearing

1. Beginning on the date that the publication requirements of paragraph 8 of Article 8 of this law have been fulfilled, there shall be a ten (10) calendar day period during which any interested Person shall have the right to submit to the Expropriating Authority written comments on the requested Expropriation.

2. Immediately following the conclusion of the written comment period specified above, there shall be a fifteen (15) calendar day period during which the Expropriating Authority shall hold a public hearing on the requested expropriation in each Municipality where concerned property is located. Any Person who is a public official of the Municipality where such a hearing is being held, or an Owner or Interest Holder with respect to concerned property lying within the Municipality where the hearing is being held, or the lawful attorney or representative of any such Person, shall have the right to attend such hearing. Each such Person shall be given a reasonable opportunity to orally provide his/her views on the applied for expropriation.

3. A representative of the Expropriating Authority may, at any time, require a Person who desires to attend, or is attending, such a hearing to provide reasonable documentary evidence demonstrating that he/she is a public official of the Municipality where the hearing is being held, or an Owner or Interest Holder with respect to concerned property lying within the Municipality where the hearing is being held, or the lawful attorney or representative of such a public official, Owner or Interest Holder. A Person who fails to provide such evidence when required by a representative of the Expropriating Authority may, at the discretion of such representative;

3.1. be denied admittance to, or removed from, the hearing; or

3.2. be permitted to attend the hearing as an observer only.

4. Any Person who has demonstrated that he/she meets the requirements of paragraph 2 of this Article shall be given an opportunity to present his/her views on the concerned expropriation. The representative of the Expropriating Authority conducting the hearing may limit the amount of time that each such Person has to present his/her views if – and to the extent - the establishment of such a limit is reasonably necessary to ensure that every such Person in attendance has an opportunity to speak; provided, however, that in no case shall the amount of time allotted be less than five (5) minutes.

5. A senior elected official from the Expropriating Authority shall attend, and shall be responsible for conducting, each such public hearing. Such official shall also be responsible for ensuring:

5.1. that the proceedings at any such hearing are properly minuted and, if practicable, video-taped; and

5.2. that a reasonable number of uniformed officers of the Kosovo Police Service are assigned to provide security services at the hearing. A lawyer for the Expropriating Authority and a lawyer for the applicant, if the Expropriating Authority is not acting on its own initiative, shall also be required to attend the public hearing. Other representatives of such institutions may also attend.

Article 10

Preliminary Decision on the Legitimacy of a Proposed Expropriation

1. Within thirty (30) days after the requirements of Article 9 of this law have been satisfied, the Expropriating Authority shall consider the written comments submitted and the views expressed at the hearing(s) and shall:

1.1. adopt a written decision, herein referred to as the “Preliminary Decision”, specifying whether - and to what extent – the expropriation requested in the application has been determined by the Expropriating Authority to satisfy each of the conditions specified in sub-paragraphs 1.1 through 1.4 of Article 4 of this law;

1.2. include in such Preliminary Decision a notice advising any Person who is an Owner or Interest Holder with respect to property that is affected by the Preliminary Decision and who has good reason to believe that the Preliminary Decision is contrary to one or more of the conditions specified in paragraph 1 of Article 4 of this law of their right to file a complaint with the competent court under Article 35 of this law challenging such decision, or any aspect thereof, within the thirty (30) day period following the effective date of such Preliminary Decision; and

1.3. include a notice that such Preliminary Decision shall become effective on the on the date such decision has been published in accordance with the requirements of paragraph 4 of Article 10 and Article 43 of this law.

2. A Preliminary Decision shall reject the Expropriation applied for in the application – in whole or in part - if, after the conclusion of the written comment period and the conduct of the public hearing required by Article 9 of this law, the Expropriating Authority determines that the proposed expropriation – or any aspect thereof - does not fulfill the legal requirements set out in sub-paragraphs 1.1 through 1.4 of Article 4 of this law.

3. Within five (5) Business Days after adopting a Preliminary Decision, the Expropriating Authority shall send such decision to the Applicant (unless the Expropriating Authority is the Applicant) and to the Persons identified in the application pursuant to sub-paragraph 1.2 of Article 8 of this law, and any other Person who has – subsequent to the date the application was accepted for processing but before the Preliminary Decision was adopted – asserted a claim to be an Owner or Interest Holder with respect to the concerned immovable property.

4. Within ten (10) Business Days after adopting a Preliminary Decision, the Expropriating Authority shall publish such decision in the Official Gazette of Kosovo and in a newspaper enjoying wide circulation in Kosovo.

5. A Preliminary Decision shall become effective on the date such decision has been published in accordance with all requirements of paragraph 4 of this Article and Article 43 of this law.

Article 11

Final Decision on Expropriation

1. The Expropriating Authority shall adopt a Final Decision approving or rejecting an expropriation application, whether in whole or in part, only during the twelve-month period that begins on the date occurring fifteen (15) days after the effective date of the Preliminary Decision. This twelve-month period shall be referred to as the “Final Decision Period”. The Final Decision Period shall be subject to extension in accordance paragraph 2 of this Article. If the application covers more than one parcel of property, the Expropriating Authority may issue one or more Final Decisions, with each such Final Decision covering one or more of the concerned parcels.

2. If one or more complaints are filed under Article 35 of this law with respect to a Preliminary Decision – or any aspect thereof - adopted under Article 10 of this law, the Final Decision Period established by paragraph 1 of this Article shall be extended by the number of days occurring between:

2.1. the date on which the first such complaint was filed; and

2.2. the date on which the competent court where such complaint(s) were originally filed has issued its judgment on all such complaints. If an appeal is filed, the Final Decision Period shall be further extended by the number of days occurring between the date on which the original judgment is issued and the date on which the appeal is decided.

3. The Expropriating Authority shall not adopt a Final Decision affecting any property or rights that are the subject of such a complaint while such complaint is pending before such court. If one or more complaints have been filed under Article 35 of this law challenging only certain aspects of a Preliminary Decision, the Expropriating Authority may, but shall not be required to, proceed to adopt a Final Decision with respect to any unchallenged aspect prior to the issuance of a court judgment on such complaints. Such a Final Decision may be adopted at any time during the Final Decision Period, including any extension thereof under paragraph 2 of this Article. The adoption of any such Final Decision shall not prejudice the authority of the Expropriating Authority to later adopt, within the concerned Final Decision Period (including any extension thereof under paragraph 2 of this Article), additional Final Decisions relating to property or rights that were the subject of such a complaint, if each such additional Final Decision is in

compliance with the applicable court judgment or order issued under Article 35 of this law.

4. Every Final Decision on expropriation shall:

4.1. comply with any applicable court order or judgment issued under Article 35 of this law with respect to the Preliminary Decision;

4.2. otherwise be limited in scope – in terms of the property or rights to property to be expropriated – to no more than that authorized by the Preliminary Decision; and

4.3. contain:

4.3.1. the names and addresses of the Applicant, the Persons identified in the application pursuant to sub-paragraph 1.2 of Article 8 of this law, and any other Person who has – subsequent to the date the application was accepted for processing but before the Final Decision is issued – asserted a claim to be an Owner or Interest Holder with respect to the concerned immovable property;

4.3.2. if the Final Decision approves the application, in whole or in part:

4.3.2.1. the location and number of each and every parcel of immovable property that is to be expropriated;

4.3.2.2. if less than entire area of any such parcel is to be expropriated and/or if less than all rights relating to any such parcel are to be expropriated, a specific description of the part and/or rights subject to the decision; and

4.3.2.3. the amount of compensation that the Office of Immoveable Property Valuation has determined – in accordance with this law – is to be paid to such Persons for the expropriated property, rights to property and/or direct damages caused by the expropriation;

4.3.2.4. the valuation determination prepared by such office as required by Article 22 of this law; and

4.3.2.5. a description of any conditions that the expropriation is subject to;

4.3.3. if the Final Decision rejects the application, in whole or in part, an explanation setting forth a detailed description of the reasons for the rejection;

4.3.4. a statement that the Final Decision shall become effective on the date such decision has been published in both the Official Gazette of Kosovo and in a newspaper enjoying wide circulation in Kosovo in accordance with requirements of paragraph 6 of this Article and Article 43 of this law; and

4.3.5. a notice advising the Applicant and any Person who is an Owner or Interest Holder with respect to property or rights affected by such Final Decision of their right to file a complaint with the competent court challenging such decision, or any aspect thereof, pursuant to Article 36 or 37 of this law, within the thirty (30) day period specified in those Articles.

5. Within five (5) Business Days after adopting a Final Decision, the Expropriating Authority shall send such decision to the Applicant (unless the Expropriating Authority is the Applicant) and to the other Persons, who are required to be identified in the Final Decision by item 4.3.1, sub-paragraph 4.3, paragraph 4 of this Article.

6. Within ten (10) Business Days after adopting a Final Decision, the Expropriating Authority shall publish such decision in the Official Gazette of Kosovo and in a newspaper enjoying wide circulation in Kosovo.

7. A Final Decision shall become effective on the date such decision has been published in accordance with all requirements of paragraph 6 of this Article and Article 43 of this law.

8. If a Final Decision authorizes an Expropriation, no change in the ownership or other rights of Persons in or to the concerned property shall be effected or implemented until the compensation required by the Final Decision has been paid in accordance with Article 16 of this law. Upon the payment of such compensation, the concerned property shall be registered in the name of the concerned Municipality (if the Expropriating Authority is a Municipal Public Authority) or the Republic of Kosovo (if the Expropriating Authority is the Government).

9. Persons owning or possessing the concerned property shall not be required to vacate or surrender such property until:

9.1. in the case of a building that is actively being used for residential or business purposes, twenty (20) calendar days have passed from the date on which the compensation specified in the Final Decision has been paid in accordance with Article 16 of this law; or

9.2. in the case of any other property, ten (10) calendar days have passed from the date on which the compensation specified in the Final Decision has been paid in accordance with Article 16 of this law.

10. The Applicant or any Owner or Interest Holder having a direct and material interest in the immovable property that is the subject of a Final Decision, whether or not identified in such decision, shall have the right to challenge such decision in accordance with Articles 36 or 37 of this law by filing a complaint with the competent court in accordance with the provisions of those Articles.

11. Failure of the Expropriating Authority to formally take a Final Decision within the Final Decision Period as determined in accordance with paragraphs 1 and 2 of this Article shall constitute, by operation of this law, a Final Decision rejecting the application in its entirety. Such a rejection shall be effective on the first Business Day that immediately follows the last day of the Final Decision Period. The Applicant may challenge such a Final Decision in accordance with the applicable provisions of the Law on Administrative Procedures as provided for in Article 39 of this law.

Article 12

Registration of the Decision on Expropriation in the Cadastre

1. Immediately after adopting a Final Decision authorizing the expropriation of immovable property, the concerned cadastral body or bodies shall register such decision upon its submission by the Expropriating Authority.

2. Upon such registration, each Owner and Interest Holder with respect to the concerned property shall be prohibited from:

2.1. transferring or granting, or attempting to transfer or grant, to any third person any ownership or other rights or interests in or to the concerned property, and

2.2. undertaking any construction work on, above or under the surface of the concerned property.

3. If such Final Decision is subsequently revoked or cancelled, an Owner or Interest Holder with respect to the concerned property shall have the right to require the cadastral body to register any decision, order or final court judgment evidencing such revocation or cancellation.

Article 13
Expropriation of a Part of Immovable Property

If an Expropriating Authority issues a Preliminary Decision under Article 10 of this law specifying its determination that the concerned public purpose justifies the expropriation of certain immovable property and/or rights to such property, and an Owner or Interest Holder with respect to such property and/or rights has good and sufficient reason to believe that the concerned public purpose can be achieved through the expropriation of a lesser amount of such property and/or rights, such Owner or Interest Holder shall have the right to file a complaint under Article 35 of this law requesting the competent court to issue a judgment ordering the Expropriating Authority to reduce the scope of the Preliminary Decision to exclude that part of the Owner's or Interest Holder's property and/or rights not needed for the achievement of the public purpose. Any such complaint must be filed with the court within the time provided by Article 35 of this law.

CHAPTER IV
TRANSFERS OF EXPROPRIATED PROPERTY TO A BENEFICIARY

Article 14
Transfers of Expropriated Property to a Beneficiary; Allocation of Costs

1. If the Government intends to expropriate surface rights to enable the holder of a license or permit issued by the ICMM to exercise the holder's rights under such license or permit, the Government shall first require such holder to execute a written commitment to pay the required compensation to the expropriated person(s). The Government shall conclude the Expropriation Process only after the payment of such compensation by the licensee or permit holder. The Government shall then grant a right of use over the concerned property to the concerned licensee or permit holder. The scope and duration of such right of use shall be reasonably related to enabling the licensee or permit holder to exercise its rights under the concerned license or permit.

2. If the Government expropriates property under paragraph 3 of Article 4 of this law for the purpose of enabling the implementation of an Infrastructure Contract awarded by a Tendering Body, the Government may sell, lease, grant, assign or transfer a right of use and/or management over such property to the concerned contractor or Public-Private Partnership. The concerned contractor or Public-Private Partnership shall be required to bear the cost of the expropriation and to pay all required expropriation compensation unless:

2.1. the concerned contract contains one or more provisions specifically providing for another allocation of such expropriation costs/compensation; and

2.2. such provision(s) were clearly contained in the contract when it was put out for tender. If an Infrastructure Contract is awarded by a Tendering Body, and

such contract has as one of its objects – but not as its exclusive object - the award of a right to acquire a license or permit from the ICMM, this paragraph 2, and not paragraph 1, of this Article, shall govern the allocation and payment of any costs related to the expropriation of necessary surface rights.

3. If necessary to accomplish the legitimate public purpose for which a piece of property was expropriated by the Government under sub-paragraph 3.1 or 3.3 paragraph 3 of Article 4 of this law, the Government may sell, lease, grant or transfer a right of use and/or management over such property to any of the following:

3.1. a Central Public Authority;

3.2. a Municipality;

3.3. a POE;

3.4. a Public-Private Partnership;

3.5. a private Person, but only if such private Person:

3.5.1. has been selected in an open transparent and competitive tendering procedure established pursuant to a law of Kosovo and such procedure had as its object, or one of its objects, the award of such right of use or management, or

3.5.2. holds a lawfully issued license from the competent Public Authority and the transfer is necessary to enable such Person to exercise its rights under such license.

4. If a POE or a Municipality acquires from the Government a right of use over expropriated property pursuant to sub-paragraph 3.2 or 3.3 paragraph 3 of this Article, such POE or Municipality shall be required to pay or reimburse to the Government the cost of the expropriation and all required expropriation compensation.

5. If a Public-Private Partnership or a private Person acquires from the Government a right of use over expropriated property pursuant to sub-paragraph 3.4 or 3.5 paragraph 3 of this Article, such Partnership or Person shall be required to pay or reimburse to the Government the cost of the expropriation and all required expropriation compensation unless a lawful contract that has been duly executed by the Government or another authorized Central Public Authority contains one or more provisions specifically providing for another allocation of the concerned expropriation costs/compensation.

6. If one of the foregoing provisions of this Article permits the Government to sell, lease, grant, assign or transfer a right of use and/or management to a POE, a Public-Private Partnership or a private Person, the Government may also sell, lease, grant, assign or transfer such a right to any lawful heir, successor, assign or transferee of such POE,

Public-Private Partnership or private Person. Furthermore, a POE, Public-Private Partnership or private Person that acquires such a right may freely sell, assign, transfer, hypothecate, mortgage, pledge or otherwise alienate such right, except as may be provided otherwise by contract.

7. No Expropriating Authority may sell, lease, grant or transfer to a third party any right or interest in expropriated property except as specifically authorized by this Article. Any permitted sale, lease, grant or transfer of a right of use and/or management by an Expropriating Authority shall be set forth in a formal written document, and such document shall be formally approved by a written decision of the concerned Expropriating Authority; such decision shall specify the public purpose justifying such sale, lease, grant or transfer. Such decision shall be published in the Official Gazette within five Business Days after its adoption. Both the document and the decision shall be duly filed in the applicable cadastral records.

8. It is expressly provided that no right or interest in property expropriated by the Government for a purpose specified in sub-paragraph 3.2 or 3.4 paragraph 3 of Article 4 of this law shall be sold, leased, granted or transferred to any Person other than the concerned Central Public Authority for:

8.1. in the case of property expropriated pursuant to sub-paragraph 3.2 paragraph 3 of Article 4 of this law, a period of ten (10) years following the conclusion of the expropriation; and

8.2. in the case of property expropriated pursuant to sub-paragraph 3.4 paragraph 3 of Article 4, a period of fifty (50) years following the conclusion of the expropriation.

During the applicable period, no private Person shall be permitted to use or exploit such property; however, as appropriate, public access to such property may be permitted at reasonable times and under reasonable conditions. The responsibility for the supervision and maintenance of such property shall be assigned to the responsible Central Public Authority.

CHAPTER V COMPENSATION

Article 15

Basic Rules Governing the Determination of Amount of Compensation

1. Compensation shall be paid on the basis of the market value of the property as determined in accordance with the further provisions of this law and the subsidiary legislation issued pursuant to paragraph 6 of this Article.

2. Compensation shall include the compensation of any demonstrable direct damages incurred by the expropriated person due to the expropriation plus the value of the immovable property expropriated, including – if applicable - its accessory parts and fruits.

3. Notwithstanding the foregoing, it is specifically provided that, in determining the amount of compensation owed, the following shall be excluded and not taken into account:

3.1. the cost or value of any improvements to the property, facilities constructed or enlarged on the property, or trees and crops planted on the property after the date on which the publication requirements of paragraph 8 of Article 8 of this law were fulfilled;

3.2. any changes in the market value of the immovable property occurring after the earlier of the following:

3.2.1. the date of the adoption of the decision authorizing preparatory activities on such property, or

3.2.2. the date of the initial submission of the application for expropriation requesting the expropriation of such property; and

3.3. any changes in the market value of the immovable property occurring prior to the events specified in sub-paragraph 3.2 of this paragraph, if such changes in value can be demonstrated to be attributable to price or market manipulation or speculation by Persons, or their relatives or associates, who were in possession of information about the impending or potential expropriation of the concerned property prior to those events.

4. Except as specifically provided in paragraph 5 of this Article, no compensation shall be owed or paid for the loss of any building or other structure (of any description) if such building or structure was:

4.1. constructed in violation of any applicable law or regulation; and

4.2. was not capable of being legalized under the law of Kosovo applicable on the date of the Final Decision authorizing its expropriation. If, on the date of such Final Decision, an illegally constructed building or structure is capable of being legalized but has not been so legalized, compensation for the loss of such building or structure shall be strictly limited to the documented costs incurred in its construction.

5. As an exception to paragraph 4 of this Article, it is specifically provided that compensation shall be paid for expropriated buildings that were constructed illegally on privately owned immovable property by the owner of such property if, and only if:

5.1. on the date actual construction activity commenced, it was impossible for the owner to obtain the necessary construction permit from the concerned Municipal Authority because, as of such date, no urban or spatial plan covering such property had yet been issued; and

5.2. in all other respects neither the building nor its construction were in violation of any other law or regulation then applicable. An owner of such a building shall have the burden of proving the date on which actual construction activity commenced and that both the building and its construction did not violate any other law or regulation then applicable.

6. The Ministry of Economy and Finance shall issue subsidiary legislation establishing a detailed methodology for calculating the compensation to be paid for expropriated property and expropriation-related damages. Such subsidiary legislation shall be consistent with:

6.1. the requirements of this Article;

6.2. the requirements of the decisions of the European Court of Human Rights; and

6.3. any principles or guidelines on the calculation of such compensation that have been issued or suggested by international financial organizations. Such subsidiary legislation shall also take into account the valuation standards issued by the Ministry of Economy and Finance pursuant to paragraph 1 of Article 12 of UNMIK Regulation 2003/29 “On Taxes on Immovable Property in Kosovo”.

Article 16

Payment of Compensation

1. Except as provided in paragraph 5 of this Article, all compensation shall be paid in Euros or another freely convertible currency.

2. The Expropriating Authority shall pay, or shall require the applicant or anticipated Beneficiary – if any - to pay, the amount of compensation specified in the Final Decision to the affected Owners and Interest Holders. The compensation required by the Final Decision shall be:

2.1. the amount established in the concerned valuation determination plus;

- 2.2. interest on such amount that has accrued between the effective date of the Final Decision and the date of payment. Such interest shall accrue at a rate of seven percent (7%) simple annual interest and compound annually.
3. If a Person refuses to accept such compensation, it shall be put into a trust account in such Person's name at the CBK. If a dispute arises regarding the identity of the Person lawfully entitled to receive a payment of such compensation, that amount shall be deposited in a trust account at the CBK for a beneficiary yet to be determined, and the dispute submitted to the competent court for resolution. Any amount put into such a trust account shall be deemed to have been "paid" for the purposes of this law.
4. If a person files a complaint with the competent court pursuant to Article 36 of this law challenging the adequacy of the compensation provided for in the Final Decision, and the court issues a judgment requiring the payment of additional compensation, the Expropriating Authority shall pay, or shall require the applicant or anticipated Beneficiary – if any - to pay, such additional compensation.
5. If the Government is the Expropriating Authority, and the achievement of the concerned public purpose requires the expropriation of more than twenty (20) parcels of immovable property, the compensation requirement of this law may be satisfied by providing any expropriated Person who agrees with:
- 5.1. immovable property having a value that is equal to the compensation owed;
or
 - 5.2. a combination of cash and immovable property, which together have a value equal to the compensation owed.
6. The amount of expropriation compensation specified in a Final Decision shall be paid in full within two (2) years from the effective date of the decision. If the required compensation is not paid within such time, the Person to whom such compensation is owed may thereafter file a complaint with the competent court requesting the court to issue an order revoking and canceling such decision.

Article 17

Compensation in the Event of the Termination of a Real Servitude

1. If an expropriation of immovable property results in the termination of a real servitude encumbering such property, the Final Decision shall require the Expropriating Authority to pay reasonable compensation, in an amount determined by the Office of Property Valuation, to the Persons who have been damaged by the loss of such servitude. Such compensation shall be an amount equal to the value of the servitude plus any direct damages caused by the loss of such servitude. Unless an applicable and lawfully awarded contract provides otherwise, the Expropriating Authority may order the Applicant or anticipated Beneficiary – if any – to pay such compensation.

2. If the loss of the servitude negatively affects the value of another parcel of property that had been served by such servitude, the Owner of such other parcel shall have the right to file a complaint under Article 36 of this law, requesting the competent court to issue a judgment ordering the Expropriating Authority to pay compensation for such loss in value, if and to the extent such compensation is not already provided for in the concerned Final Decision.

Article 18

Compensation in the Event of a Partial Expropriation or the Termination of a Security Interest, a Personal Servitude, a Construction Right, a Right of Preemption, a Usufruct or a Right of Use

1. If, as a result of an expropriation, a personal servitude, construction right, right of preemption, usufruct or right of use on or to the expropriated property is terminated, the Final Decision shall require the Expropriating Authority to pay reasonable compensation, as determined by the Office of Property Valuation, to the Persons who have been damaged by the loss of such servitude or right. Unless an applicable and lawfully awarded contract provides otherwise, the Expropriating Authority may order the Applicant or anticipated Beneficiary – if any – to pay such compensation.

2. The holder of any lawful security interest in or to expropriated property or rights securing a debt (such as a lien, pledge, mortgage, hypothecation or other security interest) shall be entitled to receive, from the Expropriating Authority, that part of the required expropriation compensation that is sufficient to discharge such debt in full. If the amount of the required expropriation compensation is insufficient to discharge the debt in full, the debtor (and - if applicable - any guarantor of the debt) shall be exclusively liable for the deficiency in accordance with any contract governing the obligations relating to the debt.

3. If a Final Decision authorizes the expropriation of part of a parcel of immovable property and, as a result, the un-expropriated part suffers a loss of value, or can reasonably be expected to suffer a loss of value, the Owner of the un-expropriated part such shall have the right to file a complaint under Article 37 of this law requesting the competent court to issue a judgment ordering the Expropriating Authority to pay compensation for such loss in value, if and to the extent such compensation is not already provided for in the Final Decision.

Article 19

Compensation in the Event of the Termination of a Lease Contract

1. Subject to the lessor's compliance with the obligation imposed by paragraph 2 of this Article, if, as a result of the expropriation of property, a lease contract with respect to such property is terminated, the Expropriating Authority shall compensate the lessee for

any damage incurred due to the termination of such lease contract. Unless an applicable and lawfully awarded contract provides otherwise, the Expropriating Authority may also order the applicant or anticipated Beneficiary – if any – to pay such compensation.

2. If the lease contains one or more provisions giving the lessor the right to terminate the lease with or without cause prior to the lease contract's stated expiration date, the lessor shall, immediately after the effective date of the Final Decision authorizing the expropriation of the concerned property, exercise that right and provide the lessee with any prior notice of termination required by the lease. The adoption of the Final Decision by the Expropriating Authority shall itself be deemed sufficient cause for such termination. Any failure or delay of the lessor to comply with the obligation imposed by this paragraph shall make the lessor, and not the Expropriating Authority, liable for any damages to the lessee resulting from such failure or delay.

Article 20

Temporary Accommodation

In the event of an expropriation of a building or of a specific part of a building that has been lawfully constructed and that is used as a dwelling, the Expropriating Authority shall provide the inhabitants with temporary accommodations for a period of four (4) months following the expiration of the thirty (30) calendar day period provided for in paragraph 9 of Article 11 of this law, unless the Applicant or anticipated Beneficiary – if any - and the inhabitants agree otherwise. The Expropriating Authority may fulfill this obligation in whole or in part by allowing the inhabitants to continue to occupy the expropriated building for all or any part of such four (4) month period. Unless an applicable and lawfully awarded contract provides otherwise, the Expropriating Authority may order the Applicant or anticipated Beneficiary – if any – to bear the cost of providing any such temporary accommodation.

CHAPTER VI

DETERMINATION OF AMOUNT OF COMPENSATION

Article 21

Competent Authority for the Implementation of the Valuation Procedure

1. The Ministry of Economy and Finance shall establish, within its Department of Property Tax, an Office of Immovable Property Valuation which shall be the competent public authority for valuing any immovable property that is subject to an expropriation procedure by any Expropriating Authority.

2. The Office of Immovable Property Valuation may engage other experts and establish committees to inspect and assist in the valuation of the property to be expropriated. Private experts may be engaged pursuant to a lawful procurement procedure.

Article 22

Valuation of Immovable Property

1. With respect to the valuation of rights in immovable property, the Office of Immovable Property Valuation shall value such property in accordance with the subsidiary legislation issued pursuant to paragraph 6 of Article 15 of this law. Such valuation shall take into consideration, if available, the most recent valuation of the property made by the Municipality where the property is located pursuant to its obligations under Article 12 of UNMIK Regulation 2003/29 “On Taxes On Immovable Property in Kosovo”.

2. During the valuation process, Owners and Interest Holders shall have the right to submit their written views concerning such valuation to the Office of Property Valuation. All communications between the Office of Property Valuation and any such Owner or Interest Holder, or a Person acting on their behalf, shall be done in writing only, and all such written communications shall be fully subject to the public disclosure requirements of the Law on Access to Official Documents.

3. The Office of Immovable Property Valuation shall issue in writing its final valuation determination within one hundred fifty (150) days after the date it received the application from the Expropriating Authority pursuant to paragraph 6 of Article 8 of this law. Such determination shall contain:

3.1. the overall valuation of the property being expropriated with a breakdown, if necessary, of the components of such valuation;

3.2. a valuation of any and all other damages required to be paid by this law;

3.3. a description of the specific methodology used to make such valuations;

3.4. an explanation as to how such methodology, and the resulting valuations, comply with the requirements of paragraph 6 of Article 15 of this law and the subsidiary legislation issued pursuant thereto;

3.5. the details of the Persons to whom compensation is to be paid and the amount of compensation to be paid to each; and

3.6. the details of the Persons, if any, who sought compensation but were determined not to be entitled thereto. This determination shall be provided to the Expropriating Authority, which shall attach it to the Final Decision, if one is adopted.

4. Any Owner or Interest Holder who disagrees with any aspect of the valuation determination shall have, after the effective date of a Final Decision attaching such determination, the right to challenge such valuation determination, in whole or in part, by filing a complaint with the competent court in accordance with Article 36 of this law.

Article 23 Costs

1. The costs of the valuation procedure shall be borne by the Expropriating Authority. Unless an applicable and lawfully awarded contract provides otherwise, the Expropriating Authority may also order the Applicant or anticipated Beneficiary – if any – to pay such costs.

2. The costs of the valuation procedure shall be the costs incurred by the Office of Immovable Property Valuation in connection with the valuation of the property and the associated rights and interests therein, and the determination of the amount of compensation to be paid to affected Persons. The Office of Immovable Property Valuation shall calculate and determine the amount of such costs and provide a detailed written determination thereof to the Expropriating Authority. If the Applicant or anticipated Beneficiary is required to pay such costs, the Expropriating Authority shall provide this determination to the party that is required to bear the costs.

3. Other costs incurred by the Expropriating Authority in connection with the expropriation procedure (including the costs related to the preparation of documents, the publication of notices, the payment of expert fees, administrative expenses and cadastral fees) shall also be borne by the Expropriating Authority. Unless an applicable and lawfully awarded contract provides otherwise, the Expropriating Authority may also order the Applicant or anticipated Beneficiary – if any – to pay such costs. If the Expropriating Authority requires the Applicant or an anticipated Beneficiary to pay such costs, the Expropriating Authority shall prepare, in writing, a detailed determination of all such costs and provide this determination to the party that is required to bear the costs.

4. If the Applicant or the anticipated Beneficiary, if any, is required to pay any such costs, and such party disagrees with any determination of such costs, such party may demand, within thirty (30) days, that such determination be reviewed by the Expropriating Authority. The Expropriating Authority shall issue a decision in writing affirming or modifying such determination within ninety (90) calendar days after receiving such demand. Failure of the Expropriating Authority to act within such ninety (90) day period shall be deemed an affirmation of the determination. If the Applicant or anticipated Beneficiary remains dissatisfied with such determination, such party shall have the right to file a complaint with the competent court challenging such decision and/or determination.

CHAPTER VII RENOUNCEMENT OF EXPROPRIATION

Article 24 Renouncement of Expropriation

1. The Applicant may renounce its expropriation request, in whole or in part, at anytime prior to the adoption of a Final Decision on its application by providing a written notice to that effect to the Expropriating Authority. In the event of such a renouncement, the Expropriating Authority shall immediately:

1.1. adopt a decision canceling the expropriation procedure, or the relevant part thereof;

1.2. publish such decision in the Official Gazette and a newspaper enjoying wide circulation in Kosovo, and

1.3. send a copy of such decision to all previously identified Owners and Interest Holders with respect to property that is no longer subject to the expropriation procedure.

2. In the event of a renouncement, the Applicant or the anticipated Beneficiary (if the renouncement was at the anticipated Beneficiary's request) shall:

2.1. reimburse all costs incurred by the Expropriating Authority and the Office of Immovable Property Valuation in conducting the expropriation procedure or – in the event of a partial renouncement – the portion of such costs allocable to the part of the procedure that has been cancelled; and

2.2. reimburse to the Owners and Interest Holders whose property is no longer subject to the expropriation procedure the documented costs and damages incurred as a direct consequence of the expropriation procedure.

3. The Expropriating Authority shall, if necessary to ensure the payment of the costs and damages specified in paragraph 2 of this Article, use the funds covered by a performance bond posted by the Applicant or anticipated Beneficiary under paragraph 4 of Article 8 of this law.

CHAPTER VIII TRANSFER OF POSSESSION AND OWNERSHIP

Article 25 Possession

The Expropriating Authority, Applicant or Beneficiary (if any), may take possession of the expropriated property only after the expiration of the applicable period specified in paragraph 9 of Article 11 of this law.

Article 26 Ownership

1. As required by paragraph 8 of Article 11 of this law, no change in the ownership or other rights of Persons in or to the property shall be effected or implemented until the Final Decision becomes effective and the compensation specified in the decision has been paid in accordance with Article 16 of this law. As soon as such conditions have been fulfilled, the relevant cadastral office shall register the property in the name of:

1.1. the concerned Municipality, if the Expropriating Authority is the Expropriating Authority of a Municipality, or

1.2. the Republic of Kosovo, if the Expropriating Authority is the Government. The cadastral office shall also register any right of use or management sold, leased, transferred or granted pursuant to Article 14 of this law.

2. Where necessary to effect the expropriation of a part of a parcel of immovable property, the cadastral office shall divide such parcel.

3. Following the registration of the property in the name of the Municipality or the Republic of Kosovo, all pre-existing rights or interests in such property shall be cancelled and the cadastral office shall ensure that such cancellation is reflected in the relevant records. If, however, the expropriation decision specifically indicates that a pre-existing right or interest is to remain in effect, in whole or in part, this cancellation requirement shall not apply thereto.

CHAPTER IX
RETURN OF EXPROPRIATED PROPERTY

Article 27
Return of Expropriated Property

1. A person whose ownership rights in immovable property have been expropriated, shall have the right, which may only be exercised within the ten-year period following the effective date of the Final Decision, to file a complaint with the competent court requesting such court to issue an order re-establishing the person's ownership rights in the concerned property, in whole or in part, if all of the following conditions are present:

1.1. the concerned property was not expropriated by the Government for a purpose specified by, or falling within the scope of sub-paragraph 3.3. paragraph 3 of Article 4 of this law;

1.2. the complainant provides substantial evidence to the court demonstrating:

1.2.1. that the expropriated property, or the relevant part thereof, has been substantially and actively used by the Expropriating Authority or a Beneficiary for a period of three (3) years or more for a purpose that is not a legitimate public purpose or related to a legitimate public purpose; or

1.2.2. that, during the eight-year period following the effective date of the concerned Final Decision, the expropriated property, or the relevant part thereof, was not actively used for any purpose; provided, however, that this reason may not be invoked as a basis for the return of property if there have been significant measures undertaken during the referenced eight-year period to prepare the property for a use that constitutes a legitimate public purpose; and

1.3. the complainant agrees:

1.3.1. to return any and all expropriation compensation paid or provided in connection with the expropriation of the property; and

1.3.2. if that expropriation compensation (or any part thereof) was paid in cash, to pay interest, calculated in accordance with paragraph 2 of Article 16 of this law, on the amount of that cash compensation for the period beginning on the date it was paid and ending on the date it is returned.

2. The concerned Expropriating Authority, the Applicant or the Beneficiary, if any, shall have the right to contest such a complaint before the court.

Article 28
Right of First Refusal

1. Except as provided in paragraph 2 of this Article, during the ten (10) year period following the effective date of the concerned Final Decision, an expropriated Person shall have a right of first refusal if the Expropriating Authority decides to sell or otherwise transfer ownership rights in the property to a private third party for a use that does not constitute a legitimate public purpose.
2. The right of first refusal provided for by paragraph 1 of this Article, shall not apply if the concerned property was expropriated by the Government for a purpose specified by, or falling within the scope of, sub-paragraph 3.3 paragraph 3 of Article 4 of this law.

CHAPTER X
TEMPORARY USE OF IMMOVABLE PROPERTY

Article 29
Conditions for Temporary Use

1. The Government may, by a formal written decision, decide to occupy and temporarily use any privately or publicly owned immovable property if such action:
 - 1.1. is necessary for the implementation of urgent measures required for the protection of life, health, or property or the enforcement or restoration of public order; and
 - 1.2. such measures become necessary because of a force majeure event or because of war, riots, civil unrest or a similar extraordinary event.
2. The temporary occupation and use shall be deemed necessary if there are no other reasonably practical alternatives.

Article 30
Legal Consequences of Temporary Use

1. During the temporary use of the immovable property, the rights of the Owner and any lawful possessor to use the property shall be suspended.
2. The Public Authority designated by the Government to implement the decision on the temporary use of the immovable property (the “implementing authority”) shall be obligated:

- 2.1. to exercise reasonable care when using the property; and
- 2.2. to the extent practicable under the circumstances, to avoid or prevent damage to the property.

Article 31 Duration of Use

The temporary occupation and use of the property shall last only so long as this is necessary to implement a measure specified in paragraph 1 of Article 29 of this law.

Article 32 Compensation

1. The Owner of the immovable property and any other person whose possession or use rights were negatively affected by the temporary use shall have the right to receive reasonable compensation from the Government for the temporary loss of such rights.
2. The average lease rate for immovable property of identical or similar characteristics in the neighborhood of the concerned immovable property shall be used as the basis for determining the amount of compensation owed by Government under paragraph 1 of this Article.
3. In addition, the Owner and any other Person whose property was damaged during such temporary use shall receive reasonable compensation for such damage if such damage was:
 - 3.1. caused by the implementing authority; or
 - 3.2. caused by another Person, third party or natural cause if, and to the extent practicable under the circumstances, such damage was reasonably avoidable or preventable by the implementing authority.

Article 33 Decision

1. The decision on the temporary use of immovable property may be made by the Government on its own initiative or upon the request of another Public Authority.
2. If such a request is submitted by another Public Authority, the Government shall issue its written decision on such a request within three (3) days after the request is received.
3. A request submitted by another Public Authority shall contain the following:

- 3.1. complete and detailed information about such Public Authority;
 - 3.2. the precise location of the immovable property that is proposed for temporary use;
 - 3.3. a detailed explanation of the reasons for the request;
 - 3.4. an estimate as to the expected duration of the temporary use; and
 - 3.5. a detailed estimate of the amount of compensation that will be owed by the Government at the conclusion of the temporary use;
4. If the Government approves the request, the Government's written decision required by paragraph 2 of this Article shall contain the following:
- 4.1. the identity of the Public Authority responsible for implementing the decision;
 - 4.2. the precise location of the immovable property that is the subject of the decision;
 - 4.3. the reasons for the decision and the duration of the authorized temporary use of the immovable property; and
 - 4.4. the amount of compensation to be paid for its use.
5. The duration of the temporary use of the immovable property may be extended by another written decision of the Government if the implementing authority submits a request for such an extension that satisfies the requirements of paragraph 3 of this Article and if the extension is justified by a reason specified in paragraph 1 of Article 29 of this law.
6. Any decision on temporary use adopted by the Government shall become effective on the day of its adoption and shall be published within five (5) Business Days in the Official Gazette.

Article 34

Return of Immovable Property

Upon the expiration of the time limit set out in a Government decision authorizing the temporary use of property, the implementing authority shall have no right or authority to use the immovable property. The implementing authority shall immediately remove all installations and facilities established on or under the immovable property during the time of its use, unless otherwise agreed with the Owner and – if applicable – any other Person having a lawful right to use or possess the immovable property.

CHAPTER XI LEGAL REMEDIES

Article 35

Complaints Challenging a Preliminary Decision on the Legitimacy of a Proposed Expropriation

1. If a Person is an Owner or an Interest Holder with respect to immovable property that is the subject of an expropriation procedure, and such Person reasonably believes that the concerned Preliminary Decision – or any aspect thereof - is contrary to one or more of the conditions established in paragraph 1 of Article 4 of this law, such Person shall have the right to file a complaint with a court of competent jurisdiction challenging such Preliminary Decision, in whole or in part.
2. If the Expropriating Authority is the Expropriating Authority of a Municipality, the complaint shall be filed with the concerned municipal court. If the Expropriating Authority is the Government, the complaint shall be filed with the Supreme Court of Kosovo.
3. Any such complaint must be filed with the competent court within fifteen (15) calendar days after the effective date of the concerned Preliminary Decision as specified in paragraph 5 of Article 10 of this law. On the same day that the complainant files the complaint with the court, the complainant shall also immediately and directly deliver five (5) accurate and complete copies of such complaint (including any attachments and documents filed therewith) to the legal office of the concerned Expropriating Authority. If the requirements of this paragraph are not fulfilled, the court shall reject the complaint.
4. If the requirements of paragraph 3 of this Article have been fulfilled, the court shall immediately review the concerned complaint and, on its own initiative, issue a decision rejecting the complaint, or any part thereof, if the court determines that the complaint or the concerned part concerns an issue that is not clearly and directly related to the compliance of a Preliminary Decision with the conditions specified in paragraph 1 of Article 4 of this law. The court shall provide a copy of any such decision to the complainant and the concerned Expropriating Authority.
5. The Expropriating Authority shall have fifteen (15) days after receiving the copies required by paragraph 3 of this Article to file its response with the court. The Expropriating Authority shall not be required to file a response to any complaint, or any part of a complaint, that has been rejected by the court pursuant to paragraph 3 or 4 of this Article.
6. Immediately after receiving the response of the Expropriating Authority, the court shall:

- 6.1. handle the entire case as a matter of extreme urgency;
 - 6.2. prioritize such case over all other cases and matters pending before the court;
 - 6.3. issue its judgment on the case within thirty (30) calendar days after receiving the Expropriating Authority's response; and
 - 6.4. schedule all proceedings in the case in a manner that will enable the court to issue its judgment within such thirty (30) calendar day period.
7. If the court determines, within the thirty (30) day period specified in sub-paragraph 6.3 paragraph 6 of this Article, that the Preliminary Decision, or an aspect thereof, fails to satisfy one or more of the conditions specified in paragraph 1 of Article 4 of this law, the court may:
- 7.1. issue a judgment requiring the Expropriating Authority to terminate the expropriation procedure in its entirety, if the court determines that the entire procedure does not satisfy one or more of the conditions specified in paragraph 1 of Article 4 of this law; or
 - 7.2. issue a judgment requiring the Expropriating Authority to modify the Preliminary Decision and the scope of the expropriation procedure to exclude certain property and/or rights if the court determines that the expropriation of such property and/or rights would be contrary to one or more of the conditions specified in paragraph 1 of Article 4 of this law.
8. If the court fails to actually issue a judgment within the thirty (30) day period specified in subparagraph 6.3 paragraph 6 of this Article, the court shall be deemed – as a matter of law - to have issued a judgment rejecting the complaint in its entirety immediately upon the expiration of such thirty (30) day period.
9. The Expropriating Authority shall not issue a Final Decision with respect to any property or rights that are the subject of a complaint that has been timely filed under this Article until the court where such complaint was filed issues a judgment on that complaint or is deemed, under paragraph 8 of this Article, to have issued such a judgment.
10. Except as provided in paragraphs 11, 13 and 14 of this Article, any judgment on - or rejection of - a complaint by a court under the previous paragraphs of this Article shall be appealable in accordance with the generally applicable law governing such appeals.
11. Such an appeal must be filed within fifteen (15) days calendar days after the issuance of the judgment being appealed. On the same day that the appellant files its appeal with the court, the appellant shall also immediately and directly deliver five (5)

accurate and complete copies of such appeal (including any attachments and documents filed therewith) to the other party. If the requirements of this paragraph are not fulfilled, the appellate court shall reject the appeal. The other party shall have fifteen (15) days after receiving such copies to file its response.

12. The filing of an appeal shall in no way impair the power or authority of the Expropriating Authority to take any action that is consistent with the judgment being appealed, including – if such action is consistent with such judgment - continuing with the conduct of the expropriation procedure, issuing one or more Final Decisions on the expropriation and implementing such decision(s).

13. Upon receipt of such an appeal, the appellate court shall:

13.1. handle the entire case as a matter of extreme urgency;

13.2. prioritize such case over all other cases and matters pending before the court;

13.3 issue its judgment on the appeal within thirty (30) calendar day period following the date on which it received the other party's response or the date on which the fifteen (15) day period for filing a response expires, whichever occurs earlier; and

13.4. schedule all proceedings in the case in a manner that will enable the court to issue its judgment within such thirty (30) calendar day period.”

14. If the appeal has been filed by the complainant and the complainant prevails on such appeal, the appellate court shall:

14.1. if the Expropriating Authority has not yet issued a Final Decision with respect to the concerned property and/or rights (or any part thereof), issue a judgment ordering the Expropriating Authority to modify the Preliminary Decision to exclude any property or rights that are not then subject to a Final Decision, if the appellate court determines that the expropriation of such property and/or rights would be contrary to one or more of the conditions specified in paragraph 1 of Article 4 of this law; and/or

14.2. if the Expropriating Authority has issued a Final Decision with respect to the concerned property or rights (or any part thereof), issue a judgment ordering the Expropriating Authority to pay to the complainant:

14.2.1. the expropriation compensation and damages required by the other provisions of this law, if such have not already been paid, and

14.2.2. an additional amount that is equal to two (2) times the amount of expropriation compensation required by this law for any property

and/or rights that the appellate court determines were expropriated in violation of paragraph 1 of Article 4 of this law.

15. If the competent court determines that no aspect of a complaint or an appeal filed under this Article has a reasonable basis in fact or in law, and that the Person filing such complaint or appeal knew or should have known that the complaint or appeal was without any reasonable factual or legal basis, the court may require such Person to pay the costs and other damages incurred by the other party as a consequence of the filing of such complaint or appeal.

Article 36

Complaints Challenging the Adequacy of Compensation

1. If an Expropriating Authority issues a Final Decision under Article 11 of this law, any concerned Owner or Interest Holder with respect to property and/or rights expropriated by such decision may file a complaint with a court of competent jurisdiction challenging the amount of compensation and/or damages that such decision provides shall be paid to such Owner and/or Interest Holder.

2. If the Expropriating Authority is the Expropriating Authority of a Municipality, the complaint shall be filed with the concerned municipal court. If the Expropriating Authority is the Government, the complaint shall be filed with the Supreme Court of Kosovo.

3. Any such complaint must be filed no later than thirty (30) calendar days after the effective date of the concerned Final Decision as specified in paragraph 7 of Article 11 of this law. If such a complaint is filed after the expiration of such thirty (30) day period it shall be rejected by the court.

4. Within five (5) calendar days after filing such a complaint, the complainant shall ensure that five (5) copies of such complaint are delivered by hand to the legal office of the concerned Expropriating Authority. If the complainant fails to comply with this requirement, the court shall reject the complaint.

5. The Expropriating Authority shall have thirty (30) calendar days after receiving the copies required by paragraph 4 of this Article to file its response with the court.

6. If a complaint is filed under this Article, the court shall have the authority to recalculate the amount of compensation and/or damages specified in the concerned decision in accordance with the requirements of this law. If the court determines that the concerned decision specifies an amount of expropriation compensation and/or damages that is less than or greater than the amount required by this law, the court shall issue a judgment modifying the Final Decision to adjust the amount of expropriation compensation and/or damages owed to the complainant.

7. A judgment of a court under this Article shall be appealable in accordance with the applicable law governing such appeals.

8. Neither the filing of a complaint under this Article, nor the filing of an appeal with respect to a judgment on such a complaint, shall have any effect on the effectiveness of the concerned decision or the power or authority of the Expropriating Authority to continue with the implementation of the concerned decision. The amount of compensation and/or damages specified in such decision shall be paid in accordance with the applicable requirements of this law; however the payment of such compensation and/or damages shall not prejudice the court's authority under paragraph 6 of this Article to issue a judgment modifying the amount of compensation and/or damages owed. If the court increases the amount of compensation owed, the Expropriating Authority shall pay (or shall order the applicant or Beneficiary to pay) the amount of the increase. If the court reduces the amount of compensation and/or damages owed, the persons who received excess compensation or damages shall be ordered to return the amount of such excess to the party who paid it.

Article 37

Complaints for Compensation for Damages Arising from a Partial Expropriation

1. If, as provided in paragraph 3 of Article 18 of this law, a Final Decision authorizes the expropriation of part of a parcel of immovable property and, as a result, the un-expropriated part suffers, or is reasonably expected to suffer, a loss of value, the Owner of the un-expropriated part shall have the right to file a complaint under this Article requesting the competent court to issue a judgment ordering the Expropriating Authority to pay compensation for such loss in value, if and to the extent such compensation is not provided for in the Final Decision.

2. If the Expropriating Authority is the Expropriating Authority of a Municipality, the complaint shall be filed with the concerned municipal court. If the Expropriating Authority is the Government, the complaint shall be filed with the Supreme Court of Kosovo.

3. Any such complaint must be filed no later than thirty (30) calendar days after the effective date of the concerned Final Decision. If such a complaint is filed after the expiration of such thirty (30) day period it shall be rejected by the court.

4. Within five (5) calendar days after filing such a complaint, the complainant shall ensure that five (5) copies of such complaint are delivered by hand to the legal office of the concerned Expropriating Authority. If the complainant fails to comply with this requirement, the court shall reject the complaint.

5. The Expropriating Authority shall have thirty (30) calendar days after receiving the copies required by paragraph 4 of this Article to file its response with the court.

6. A judgment of a court under this Article shall be appealable in accordance with the applicable law governing such appeals.

Article 38
Complaints Challenging the Legitimacy of a Decision Authorizing the Temporary Use of Property

1. If a Person is an Owner or an Interest Holder with respect to immovable property that is the subject of a decision issued by the Government authorizing the temporary use of such property, and such Person reasonably believes that the decision does not satisfy the conditions specified in Article 29 of this law, such Person shall have the right to file a complaint with the Supreme Court of Kosovo challenging such decision.

2. Such a complaint may be filed anytime after the date of the concerned decision until it is no longer in effect.

3. Within two (2) calendar days after filing such a complaint, the complainant shall ensure that five (5) copies of such complaint are delivered by hand to the legal office of the Government. If the complainant fails to comply with this requirement, the court shall reject the complaint.

4. The Government shall have seven (7) calendar days after receiving the copies required by paragraph 3 of this Article to file its response with the court.

5. If such a complaint is filed, the court shall handle the case as a matter of the highest priority and shall issue a decision within thirty (30) days after the filing of the complaint.

6. A judgment of a court under this Article shall be appealable in accordance with the applicable law governing such appeals.

Article 39
Other Disputes

1. Complaints and other legal disputes falling within the scope of Article 35, 36, 37 or 38 of this law shall be handled as provided in those Articles. In the event of a conflict between such an Article and the provisions of the Law on Administrative Procedure or any other procedural law, such Article shall prevail.

2. All other legal disputes relating to an act taken or a decision adopted by a Public Authority under the authority of this law shall be subject to and governed by the applicable provisions of the Law on Administrative Procedure; provided, however, that any provision of the Law on Administrative Procedure eliminating or unreasonably restricting the right of an affected Person (a Person who has been specifically affected by

such an act or decision) to file a complaint with a competent court challenging such act or decision shall be not be applied.

CHAPTER XII TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

Article 40 Ongoing Procedures

Expropriation procedures that were initiated prior to the entry into force of this law shall be governed by the provisions of the law applicable on the day such procedures were initiated. If, as of the date this law enters into force, compensation has not yet been paid for property or rights expropriated pursuant to expropriation procedures that were initiated within the immediately preceding three (3) year period, the amount of compensation due shall be governed by this law.

Article 41 Issuance of Sub-normative Acts

1. The Ministry of Economy and Finance shall have the exclusive authority to issue any sub-normative acts that are specifically required by this law or otherwise necessary for its due and proper implementation.
2. Within sixty (60) days after the promulgation of this law, the Ministry of Economy and Finance shall establish the Office of Immovable Property Valuation required by Article 21 of this law.
3. Within one hundred and twenty (120) days after the promulgation of this law, the Ministry of Economy and Finance shall promulgate the subsidiary legislation required by paragraph 6 of Article 15 of this law.

Article 42 Notices and Communications

If a provision of this law requires that a written notice or other communication be sent to a Person, such requirement shall be satisfied if and when such notice or communication is deposited, properly addressed and postage prepaid, with the official postal service of Kosovo. The notice or communication shall be “properly addressed” if it is addressed to the Person at such Person’s last known address, but only if such information may be readily ascertained from the available cadastral and other official immovable property records in Kosovo, including the records of the Kosovo Property Agency and the most recent property tax records. If such information is not readily ascertainable from such

records, the provision requiring such notice or other communication shall be inapplicable with respect to such Person.

Article 43 Publication Requirements

If a provision of this law requires an Expropriating Authority to publish a decision, notice or other document in the Official Gazette of Kosovo, a newspaper and/or another publication, the Expropriating Authority shall be required to publish such decision, notice or other document in each of the official languages of Kosovo. All official language versions of any such decision, notice or document shall be published simultaneously in the same publication and in the same manner.

Article 44 Interpretation

1. The provisions of this law shall be interpreted and applied in a manner that complies with the European Convention on Human Rights and Fundamental Freedoms (including the Protocols thereto) as said Convention has been interpreted and applied by the European Court of Human Rights.

2. This law shall not apply to the Law on the Privatization Agency of Kosovo or any actions taken by the Privatization Agency of Kosovo pursuant to its mandate under such law. This law shall not be interpreted or applied as limiting or restricting any expropriatory aspect or effect of such law, and the legitimacy of the public purpose justifying such aspect or effect, which is set forth in the preamble of such law, is hereby re-affirmed.

3. With respect to any immovable property that comprised socially owned property on or after 22 March 1989:

3.1. if the requirements of paragraph 1 of Article 4 are fulfilled, the Government may expropriate such property or, if the property is then under the administration of a public authority, remove such property from the administration of such public authority and use such property to accomplish the concerned public purpose;

3.2. any such expropriation or removal of property from the administration of a public authority shall be subject to the procedural and other provisions of this law governing the expropriation of immovable property. In particular, the amount of required compensation shall be determined in accordance with this law; and

3.3. if the property has been removed from the administration of the Privatization Agency of Kosovo, the amount of such required compensation shall be paid to PAK. PAK shall hold such compensation in trust for the satisfaction of any

applicable employee entitlements and owner and creditor claims with respect to the concerned property. The distribution of such compensation – including, if applicable, the return of any surplus to the Government – shall be subject to the same laws and rules as are applicable to distribution of other funds held in trust by PAK.

Article 45 Delegation

1. If the Expropriating Authority is the Government, it may delegate to a Ministry or other Central Public Authority the responsibility for:

1.1. implementing and/or defending any aspect of a Preliminary Decision or a Final Decision; and/or

1.2. ensuring that the publication and other requirements of this law applicable to such decision are fulfilled.

Article 46 Repeal of Prior Legislation

The Law on Expropriation (Official Gazette, KSAK 21/78) and all amendments thereto shall be repealed by this law, and such law shall have no further force or effect except as specifically provided in Article 40 of this law.

Article 47 Entry into Force

This law shall enter into force immediately following its promulgation in accordance with Article 80 Of the Constitution of republic of Kosovo.

**Law No. 03/L-139
With the amendments and supplements done
in the Law No.03/L-205 dated 28 October 2010**

Member of the Presidency of the Assembly

Xhavit HALITI