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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**KOSOVO**

**Law No. 08/L -121**

**ON THE STATE BUREAU FOR VERIFICATION AND CONFISCATION  
OF UNJUSTIFIABLE ASSETS**



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

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**Law No. 08/L -121**

**ON THE STATE BUREAU FOR VERIFICATION AND CONFISCATION  
OF UNJUSTIFIABLE ASSETS**

**Assembly of the Republic of Kosovo;**

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

Adopts:

**LAW ON THE STATE BUREAU FOR VERIFICATION AND  
CONFISCATION OF UNJUSTIFIABLE ASSETS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose**

The purpose of this Law is to establish, organize and determine the powers of the State Bureau for Verification and Confiscation of Unjustifiable Assets, as well as to determine the procedure for verification and confiscation of unjustifiable assets.

**Article 2**  
**Scope**

1. This Law shall apply to assets acquired unjustifiably, whether directly or indirectly by official persons and third parties.

2. This Law shall apply to unjustifiably acquired assets:

2.1. for the period of exercising the function of entities from paragraph 1 of this Article, from 17 February 2008; and

2.2. within ten (10) years from the period when the entities from paragraph 1 of this Article cease to exercise their function.

### **Article 3** **Definitions**

1. For the purposes of this Law, the terms used herein shall have the following meaning:

- 1.1. **Bureau** - State Bureau for Verification and Confiscation of Unjustifiable Assets;
- 1.2. **Court/The first-instance court** - Division for Civil Confiscation within the General Department of the Basic Court of Prishtina, with jurisdiction over the entire territory of Kosovo;
- 1.3. **The second-instance court** - Court of Appeals, General Department, Civil Division;
- 1.4. **Oversight Committee** – the relevant committee established according to Article 10 of this Law;
- 1.5. **Declaration of assets** - declaration regarding the status of assets of public officials obliged to declare assets and their family members, in accordance with the relevant law on the declaration of assets;
- 1.6. **Confiscation** - permanent acquisition of assets ordered by a final decision of the competent court in accordance with the legislation into force;
- 1.7. **Asset verification** - assessment of the amount of assets in relation to the legal income;
- 1.8. **Balance of probabilities** - standard of proof when the court, based on the evidence, believes that something is more likely to be, or to have happened than not;
- 1.9. **Asset** - refers to anything of value, of any form, whether tangible or intangible, movable or immovable, wherever located, including but not limited to:
  - 1.9.1. land, buildings, apartments, houses, currency, cryptocurrency, ornaments, precious metals, bank accounts, vehicles of any form, aircraft, stocks, shares, securities, bonds, debts, intellectual property of any form, monetary instruments including cash, traveller's checks, personal checks, bank loans, money order bank checks, payment orders, cash orders, cashier's checks of any description, letters of credit, and/or investment securities or negotiable instruments, in the form of a title holder or otherwise in such a form that the person becomes a title holder at the time of delivery, any interest, dividend or other income from the assets or value derived or generated from such assets;
  - 1.9.2. legal instruments evidencing an interest in any property, including but not limited to title, deed of ownership, mortgage, servitude or interest in a property and the right to use socially owned, public and state-owned assets;
- 1.10. **Unjustifiable asset** - the part of the asset of the person in the procedure, which is not in accordance with the legal income and the origin of which fails to be proven as legal;
- 1.11. **Substitute value** - replacing asset value corresponding to the value of unjustifiable asset which is not available for confiscation;
- 1.12. **Official person** - the person selected or appointed, who for his work, activity or engagement, has received or receives income in the form of salary or any kind of compensation from the budget of Kosovo or in other forms from public institutions or enterprises of the Republic of Kosovo. An

official person is also considered a person who carries public authorizations as well as an appointed person, regardless of whether or not he has received compensation for his work;

1.13. **Bona fide purchaser** - a person who has purchased the assets from the entities under Article 2 of this Law and has paid the price for such assets, which is not significantly lower or higher than the market price. A bona fide buyer is not considered a person who, regardless of the price paid, knew or should have known that the purchased assets are unjustifiable;

1.14. **A party in procedure** - an official person or third party, whose assets are under verification by the Bureau during the procedure before the Bureau, namely a person whose assets are proposed to be confiscated during the court proceedings;

1.15. **Third parties** - Any natural or legal person to whom the assets of the official person have been transferred, or who has or may have a legal interest in the assets of the parties in the procedure.

## **CHAPTER II**

### **ESTABLISHMENT, LEGAL STATUS, POWERS AND ORGANIZATION OF THE STATE BUREAU FOR VERIFICATION AND CONFISCATION OF UNJUSTIFIABLE ASSETS**

#### **Article 4 Establishment**

This Law establishes the Bureau for Verification and Confiscation of Unjustifiable Assets as an independent and specialized body for verification of unjustifiable assets.

#### **Article 5 Logo and seal**

The Bureau shall have its logo and seal according to the shape and diameter determined by the relevant applicable legislation.

#### **Article 6 Legal status and organizational structure**

1. The Bureau is an independent public institution having the status of a legal entity with headquarters in Prishtina.

2. The organizational structure of the Bureau is determined by the internal organization regulation, which is approved by the Oversight Committee and contains at least the following units:

2.1. Legal Department;

2.2. Risk Analysis Department;

2.3. Department of Verification and Forensic Accounting; and

2.4. Department for Finance and General Services.

**Article 7**  
**Budget**

1. The Bureau prepares the annual budget in accordance with the relevant Law on Public Financial Management and Accountability.
2. The Bureau decides independently on the use of the budget, in accordance with the relevant applicable legislation.

**Article 8**  
**Powers and responsibilities of the Bureau**

1. The Bureau has the following powers and responsibilities:
  - 1.1. initiates and conducts the procedure for verification of assets for determining whether the assets of official person are unjustifiable assets;
  - 1.2. submits proposals for confiscation of assets to the court;
  - 1.3. requests assistance, information and relevant documents from all the institutions in the Republic of Kosovo and foreign institutions, natural or legal persons exercising public authority, as well as from other natural and legal persons, both local and foreign;
  - 1.4. analyses and evaluates information and material received;
  - 1.5. publishes on the official Bureau website all judgments and rulings related to court proceedings pursuant to this Law, without being limited to their finality, in accordance with the rules of their publication;
  - 1.6. collects, analyzes and publishes statistical data or other data related to the confiscation of unjustifiably acquired assets;
  - 1.7. once a year reports to the Assembly of the Republic of Kosovo on the work of the Bureau. The Assembly may request more frequent reports from the Bureau;
  - 1.8. cooperates with local and international institutions.
  - 1.9. performs other duties defined by the legislation into force.

**Article 9**  
**Status and independence**

1. The Bureau officials shall be considered public officials in accordance with the relevant Law on Public Officials.
2. A special code of conduct is drafted for the Bureau officials, which shall be approved by the Director General.
3. The Bureau officials enjoy full independence and protection during the exercise of official duty, and no external pressure shall be imposed on them due to their duty, or when they undertake certain concrete actions in accordance with this Law or other applicable legislation.

## **CHAPTER III OVERSIGHT OF THE BUREAU**

### **Article 10 Oversight Committee Composition and Compensation**

1. Bureau Oversight Committee (hereinafter: The Committee) consists of five (5) members with the following composition:

1.1. A Judge of the Supreme Court of Kosovo nominated by the President of the Supreme Court, who is also the chairman of the Committee;

1.2. General Auditor, member;

1.3. Director of the Corruption Prevention Agency, member;

1.4. A deputy of the Ombudsperson nominated by the Ombudsperson, member;

1.5. Director of the Financial Intelligence Unit, member.

2. Committee members have the right to compensation for their monthly commitment, the amount of which is determined by internal regulations, but the amount of compensation cannot exceed the threshold of five percent (5%) of the basic salary of the Chairman of the Committee.

### **Article 11 Meeting, quorum and decision-making in the Committee**

1. The Chairman of the Committee convenes and presides over the meeting. In the absence of the Chairman or refusal to convene the meeting, the meeting may be convened by three (3) members of the Committee.

2. The quorum needed for holding the meeting is four (4) members.

3. The Committee takes its decision with the majority of all the members of the Committee.

4. Other procedural issues for convening and smooth running of the work of the Committee are regulated by a sub-legal act.

### **Article 12 Competences of Committee**

1. The competences of the Oversight Committee are as follows:

1.1. supervises the work and activity of the Bureau;

1.2. develops the procedure and proposes to the Assembly the appointment and dismissal of the Director General;

1.3. evaluates the performance of the Director General;

1.4. approves sub-legal acts defined by this law, at the proposal of the Director General;

1.5. reviews the work reports of the Director General;

- 1.6. performs other duties defined by the legislation into force.
2. The Committee shall have no right to intervene in cases which are under the verification procedure at the Bureau.

## **CHAPTER IV**

### **SELECTION, MANDATE AND RESPONSIBILITIES OF THE DIRECTOR GENERAL OF THE BUREAU**

#### **Article 13**

##### **Director General**

1. The Bureau shall be headed by the Director General.
2. The Director General shall be appointed for a term of seven (7) years, without the right to re-election.
3. The Director General cannot hold a position in the public sector, nor does he exercise any other function.
4. After the regular end of the mandate, the Director General enjoys the right to a salary equivalent to the last salary, in a period of two (2) years, provided that he does not receive a salary either from the public sector or from the private sector.

#### **Article 14**

##### **Criteria for the selection of the Director General**

1. The candidates for the Director General must meet the following minimum criteria:
  - 1.1. be a citizen of the Republic of Kosovo;
  - 1.2. have a university degree in law;
  - 1.3. have a high professional reputation and personal integrity, and have not had a disciplinary measure imposed in the last five (5) years;
  - 1.4. have at least eight (8) years of professional work experience, of which five (5) years of managerial experience;
  - 1.5. have not been found guilty of a criminal offence punishable other than a criminal offence committed by negligence; and
  - 1.6. have not exercised a function in political entities or have not been a candidate, elected or appointed in the central and local level legislative or executive bodies in the last six (6) years.

#### **Article 15**

##### **Procedure for the selection of the Director General**

1. The procedure for the selection of the Director General is based on the principles of competition, non-discrimination, transparency, integrity and objectivity.
2. The procedure for the selection of the Director General shall commence six (6) months before the expiration of the regular mandate of the General Director.

3. Notwithstanding paragraph 2 of this Article, when there is an early termination, as defined by this Law, the procedure for the selection of the Director General shall commence within thirty (30) days from the day the position remains vacant.
4. The Committee shall publish a vacancy announcement for the selection of the Director General, in print and electronic media in the official languages. The duration of the vacancy announcement shall not be shorter than fifteen (15) days nor longer than twenty (20) days.
5. After the expiration of the term provided for under paragraph 4 of this Article, the Committee shall, within a period of fifteen (15) days, assess whether the candidates meet the requirements for appointment.
6. The Committee conducts interviews with each candidate who meets the requirements to be selected a General Director.
7. The integrity, competency, vision and managerial skills of the candidates to be Director General are evaluated during the interview. For this purpose, each candidate prepares a concept with data and practical examples, according to the structure of the concept that is published together with the competition, to demonstrate the fulfilment of these requirements. This concept is submitted to the Committee together with the application to become Director General. Candidates' concepts are published on the Bureau's official website.
8. The procedure is valid only if no less than the majority of the members of the Committee participate. Committee members who begin interviewing candidates cannot be changed during the process.
9. The Committee members who participate in the interview evaluate the interviewed candidate with points allocated for integrity up to ten (10) points, competence up to ten (10) points, and the candidate's managerial ability up to ten (10) points.
10. The points from each member of the Committee are collected and divided by the number of Committee members who participated in the interview, from which the final result of the candidates comes out. Candidates who pass the threshold of at least fifty percent (50%) of the points from each field that is evaluated in paragraph 9 of this Article, are placed on the short list as a proposal for the Assembly.
11. The short list from paragraph 10 of this Article cannot contain less than two (2) and more than five (5) candidates for the position, in which case the candidates who are ranked with the highest points are placed on the list.
12. The Committee's proposal contains justification for why Committee has given priority to some candidates compared to other candidates.
13. The Assembly by secret ballot, with the majority of votes of all Assembly members present and voting, elects the Director General.
14. If in the first round, the Assembly does not elect the Director General, then the second round of voting takes place, with the two (2) candidates who have received the most votes.
15. If the Director General is not elected even in the second round of voting by the Assembly, the competition for General Director is repeated. The Committee shall within seven (7) days publish the new vacancy announcement. The process of selection and procedures shall be developed according to this Article.
16. In case even after the repetition of the vacancy announcement, the Assembly fails to elect the Director General in two (2) rounds, then the Committee shall publish the vacancy announcement and develop the procedures according to this Article with the sole exception that the Committee shall, at the end of the process, select as a Director General the candidate with the most number of points.



**Article 16**  
**Powers and responsibilities of the Director General**

1. The Director General shall have the following powers and responsibilities:
  - 1.1. leads and organizes the work of the Bureau;
  - 1.2. oversees the work of Bureau employees;
  - 1.3. represents the Bureau at home and abroad;
  - 1.4. manages the Bureau's budget and is responsible for its expenditure in accordance with the relevant legislation;
  - 1.5. issues decisions in accordance with the Bureau's mandate and powers;
  - 1.6. drafts the annual work plan within the mandate of the Bureau;
  - 1.7. enters into cooperation agreements with other local and international institutions, in accordance with applicable legislation;
  - 1.8. for specific cases and when there is a lack of expertise within the Bureau, decides on the engagement of external experts, in accordance with applicable legislation;
  - 1.9. performs other duties defined by the applicable legislation.
2. The Director General may delegate certain tasks to his direct subordinates. In such cases, he remains responsible for supervising the delegated tasks.
3. The Director General authorizes in writing one of the direct subordinates to replace him/her in case of temporary absence. The authorized person shall perform all the functions of the Director General for the period he/she is authorized.

**Article 17**  
**End of mandate of the Director General**

1. The term of the Director General shall end:
  - 1.1. upon the end of the term provided for by this Law;
  - 1.2. upon resignation;
  - 1.3. upon permanent loss of the ability to perform his/her function;
  - 1.4. if he/she has been convicted of a criminal offence by a final court decision, other than a criminal offence committed by negligence;
  - 1.5. if he/she exercises functions that are incompatible with his/her function according to the legislation into force;
  - 1.6. upon dismissal from the Assembly according to the proposal of the Committee;
  - 1.7. upon death.

2. If an indictment is filed against the Director General, he is suspended as provided by the legislation into force. One of the Directors of the Departments is appointed by the Committee as a substitute until the end of the process. The substitute shall perform all the functions of the Director General.
3. The Committee may initiate the procedure of dismissal of the Director General according to subparagraph 1.6 of this Article, for the following reasons:
  - 3.1. due to non-fulfilment of duties and responsibilities defined by legislation;
  - 3.2. due to poor performance evaluation;
  - 3.3. due to serious violation of work duties, as foreseen by the legislation into force; or
  - 3.4. due to the violation of personal or institutional integrity.
4. After the proposal by the Committee, the Director General is dismissed by the Assembly with the majority of votes of all the Assembly members present and voting.
5. In any case when the position of the Director General remains vacant, one of the Department Directors is appointed by the Committee as a substitute, for a period not longer than six (6) months. The substitute performs all the functions of the Director General.

## **CHAPTER V**

### **VERIFICATION OF UNJUSTIFIABLE ASSETS**

#### **Article 18**

##### **Initiation of the procedure**

1. The Bureau initiates the verification procedure on the basis of credible and reliable information regarding unjustifiable assets in cases where it:
  - 1.1. accepts information, documents, evidence, testimonies or data from various sources, including natural and legal persons;
  - 1.2. accepts information, documents, evidence, testimonies or data from the institutions of the Republic of Kosovo or abroad, as well as
  - 1.3. has information, documents, evidence or data not received officially and the same are public or accessible in any form.
2. The following institutions including but not limited to: The Agency for Prevention of Corruption, Tax Administration of Kosovo, Kosovo Customs, Central Bank of Kosovo, Financial Intelligence Unit, Notaries and Private Enforcement Agents, as requested by the Bureau, are actively obliged to provide the requested information without delay.
3. Where an institution of the Republic of Kosovo is in possession or comes into possession of information, documents, evidence, testimonies or data that contains credible and reliable information regarding unjustifiable wealth, it shall, without delay, spontaneously provide such information to the Bureau. This information shall serve the Bureau in fulfilling the standard of the probabilities based on which the procedure shall be initiated.
4. The Bureau examines the information from paragraph 1 of this Article to determine if this information refers to the official person who is subject to this Law and if the information is reliable.

5. For the purposes of this Article, credible and reliable information means any information, document, evidence, testimony or data, which suggests that there is a discrepancy between the legal income and the assets created.
6. The Director General assesses at first sight the height of the discrepancy between the assets and the legal income, giving priority to the cases with the highest value of the discrepancy as per the threshold determined by this Law.
7. After the review from paragraphs 3 and 4 of this Article, the Director General issues a reasoned decision for the initiation of the verification procedure.
8. In each case when the Director General finds that the conditions from paragraphs 3 or 4 of this Article have not been met, then he decides not to initiate the procedure.
9. Notwithstanding paragraph 7 of this Article, if later the Bureau comes to new information on that entity and/or asset, the Director General decides according to the procedure of this Article.
10. All information received and processed by the Bureau will be accessible to the party who is subject to the verification procedure, except in cases where this information would endanger the verification procedure, would damage the evidence, and may violate the public interest. The Bureau shall officially request the restriction of documents at the Court, where the Court shall issue a decision in writing for such request.

**Article 19**  
**Collection of information for the purpose of verification**

1. The Bureau shall collect, without being limited, the following information:
  - 1.1. assets, location of assets and value;
  - 1.2. the value of assets at the time of the benefit;
  - 1.3. the value gained from the assets at the time of the transaction;
  - 1.4. asset transformation;
  - 1.5. regular and irregular income of the party to the procedure;
  - 1.6. living expenses for the natural person and family members of the party in the procedure;
  - 1.7. other expenses;
  - 1.8. monetary liabilities;
  - 1.9. asset transactions with natural or legal persons;
  - 1.10. asset transactions of the party to procedure;
  - 1.11. costs for travels abroad from the assets of the party to the procedure;
  - 1.12. interim measures and charges imposed on the assets, as well as the obligations assumed of a civil-legal nature by the party to the procedure.
2. Personal data shall be treated and processed in accordance with the legislation into force.

## **Article 20**

### **Obligation to cooperate**

1. Institutions of the Republic of Kosovo, domestic natural or legal persons exercising public authority, as well as other domestic natural and legal persons, shall be obliged to cooperate with the Bureau for the purpose of collecting information from Article 19 of this Law. The obligation to cooperate for domestic natural and legal persons extends to the extent that the right to privacy and the right not to be incriminated are not violated.
2. The entities from paragraph 1 of this Article shall provide the Bureau with the assistance, information and documents required as soon as possible, but not later than thirty (30) days from the date of the request, except for information provided under a special procedure.
3. Should the entities referred to in paragraph 1 of this Article fail to respond to the request of the Bureau, the Bureau may request the court to issue a ruling to that entity to submit information and documents as requested by the Bureau.
4. In case the court finds from the entity's response that the requested information or documents are not available to any other institution, it shall issue a ruling on the issuance of information and documents to the extent that they do not violate the security of the country or directly violate a constitutional human right, in order to enable the verification of assets. By this ruling, the Bureau shall be obliged not to publish such information and documents and no one shall have access to them in any way, except in court proceedings.
5. The head of the entity from paragraph 1 of this Article shall be obliged to implement the ruling taken by the court according to paragraph 3 and 4 of this Article no later than five (5) days from the receipt of the ruling. In case of non-implementation of the ruling by the head, the Bureau shall file a criminal report to the State Prosecutor for the criminal offence of non-execution of court decisions.
6. The court shall not render the issuance of information and documents at the request of the Bureau, when such request has been sent to the State Prosecutor and when the State Prosecutor announces that the provision of such information and documents would affect the investigation of ongoing criminal proceedings.
7. In cases when other domestic natural and legal persons do not respond to the request of the Bureau within the deadline set forth in paragraph 2 of this Article, the Bureau may request the Court to render a ruling ordering the entity to submit information and documents at the request of the Bureau.
8. The court renders a ruling for submission of the document and information if it assesses that the request of the Bureau is grounded and justified.
9. The person from paragraph 7 of this Article is obligated to comply with the Court ruling according to paragraph 8 of the present Article, not later than five (5) days from the receipt of the ruling. In case of non-compliance with the court ruling by the person against whom it was rendered, the Bureau submits a criminal report to the State Prosecutor for the criminal offense of non-execution of court decisions.
10. Classified information shall be ensured in accordance with the relevant law on classification of information and security clearance.
11. Personal data shall be treated and processed in accordance with the relevant law on protection of personal data.

## **Article 21**

### **The right to a representative**

1. The party to the procedure has the right to engage authorized representatives according to the legislation in force, during the verification procedure at the Bureau and during the confiscation procedure at the Court.

2. The party to the procedure has the right to free legal aid according to the legislation in force.

## **Article 22** **Asset verification period**

1. Verification of assets is done for the assets acquired during the period of exercising the public function by the official.

2. Exceptionally, when the Bureau assesses or finds that the assets of the official person acquired after the period of exercising the public function are to a large extent higher than the legal income or the assets acquired during the period of the exercise of the public function by the official person, the Bureau could extend the verification also for the period after the public official no longer exercises the public function.

3. The period mentioned in paragraph 2 of this Article cannot be longer than five (5) years after the end of the public function of the official person.

4. In cases where the official person has had a time break in the exercise of the public function, the verification period includes the time from the first appointment to the termination of the last public function.

## **Article 23** **Procedure before the Bureau**

1. When the General Director decides to initiate a procedure according to Article 18 of this Law, the Bureau shall initiate the verification procedure and:

1.1. request, collect, research and analyze the documentation and other relevant information for the case, pursuant to Article 19 of this Law and during the undertaking of such actions or whenever necessary, request assistance from the institutions of the Republic of Kosovo in accordance with the legislation into force;

1.2. request information from the party to procedure and the entities from Article 20 of this Law;

1.3. examine the circumstances relevant to the case;

1.4. may invite the party to the procedure to give testimony, in order to identify other assets or clarify doubts about the assets under verification.

2. The verification procedure shall be conducted by the Bureau official to whom the case is assigned by the decision of the General Director.

3. All information, documents, facts, evidence, testimonies collected by the Bureau officer must be collected in accordance with the legislation into force.

4. If, during the verification procedure, it is noticed that the assets have been transferred to a third party, then the Bureau official will ask the General Director that the decision to verify the assets be extended to those third parties as well.

5. From the data collected under paragraph 1 of this Article, the Bureau shall list the assets of the party to the procedure.

6. After listing the assets, the party to procedure shall be invited to provide evidence and data to justify the origin of the listed assets within sixty (60) days.

7. If from the data collected through the verification procedure and the data, evidence and testimony provided by the party to procedure, the Bureau official notices that there is no discrepancy between income and assets, or discrepancy between income and assets does not exceed the value of twenty-five thousand (25.000) Euro, the Bureau officer shall propose to close the case. The reasoned proposal for closing the case shall be submitted to the General Director, who then shall issue a decision to close the case.

8. If from the data collected from the verification procedure and the data, evidence and testimony provided by the party to procedure, the Bureau official assesses that the civil standard of the balance of probabilities is met and there is a discrepancy between income and assets exceeding twenty-five thousand (25.000) Euro, then the Bureau official shall propose to send the case to the court for confiscation. The reasoned proposal to refer the case to the Court for confiscation shall be submitted to the Director General, who shall then submit a proposal for confiscation.

9. In case the party to procedure fails to respond to the Bureau invitation and the value of the listed assets is higher than twenty-five thousand (25.000) Euro, and the standard according to paragraph 8 of this Article is met, then it is assumed that the listed assets have been acquired unjustifiably. The Bureau officer shall propose referring the case to the Court for confiscation. The reasoned proposal to refer the case to the Court for confiscation shall be submitted to the Director General, who shall then submit a proposal for confiscation.

10. The Bureau shall, along with the proposal for confiscation, forward to the court a list of assets, the material evidence in the case file and the evidence provided by the party to procedure, if any.

11. At any time during the verification period, the Bureau may submit to the court a request for imposing an interim security measure on the assets under verification, in accordance with Article 24 of this Law.

12. Where the Bureau decides to close the case and terminate the verification procedure, it shall immediately notify the court when there is an interim security measure on the assets under verification.

13. If at any time during the verification procedure, the party in the procedure loses the capacity to act or dies, the Bureau requests the Court to appoint a temporary representative of the party's assets.

14. The Bureau must conduct the verification procedure of assets within ninety (90) days from the day of issuing the decision from paragraph 2 of this Article.

15. In case the matter is complex, the Bureau official must request from the General Director to have the deadline from paragraph 14 of this Article extended for an additional period not longer than forty-five (45) days. The Director General shall decide to grant or reject the request, after analysing the complexity of the case. Rejection of the request for an additional deadline shall mean for the Bureau officer the completion of the verification procedure within the deadline from paragraph 14 of this Article.

16. Notwithstanding paragraphs 14 and 15 of this Article, the asset verification procedure may take up to one (1) year when the procedure depends on the request for international legal cooperation.

17. The procedure for verification of unjustifiable assets shall be determined by a sub-legal act.

## **CHAPTER VI INTERIM SECURITY MEASURE**

### **Article 24 Interim security measure on the assets**

1. Whenever before or after the presentation of the proposal for confiscation, upon the proposal of the Bureau official, the Court may set the temporary measure of securing the asset, without prior notification and hearing of the party in the procedure, if the Bureau makes a credible claim for the existence of unjustifiable assets and that the temporary measure is based on evidence collected in the verification procedure and is urgent and that if acted otherwise, the assets can be alienated, destroyed or in any form will not be available to that person.
  
2. Interim security measures on the assets that may be imposed by the court shall be, but not limited to:
  - 2.1. prohibition on alienation of assets;
  
  - 2.2. prohibition on the use of the consumable item;
  
  - 2.3. prohibition on disposing of funds held in a bank account or in cash. When funds are available in cash, the court shall order that such funds be deposited in a bank account managed by the Bureau, without the right to be used.
  
3. The proposal for imposing an interim measure must contain:
  - 3.1. the Bureau data;
  - 3.2. data of the court to which it is addressed;
  
  - 3.3. identification of the party to the procedure;
  
  - 3.4. specification of the assets for which the issuance of the interim measure is requested;
  
  - 3.5. justification of the circumstances that make the claim credible that such assets may be alienated, disposed of or otherwise will not be available to that person.

### **Article 25 Decision on the interim security measure on the assets**

1. The court shall decide on the proposal for imposing an interim security measure on the assets within seventy-two (72) hours from the receipt of the proposal:
  - 1.1. the Court shall approve the proposal for imposing the temporary measure and shall impose the temporary security measure on assets by a ruling when it finds that the temporary security measure on the assets is grounded and urgent and that by acting differently, the assets can be alienated, disposed of or otherwise will not be available to that person;
  
  - 1.2. the Court shall, by a ruling, reject the proposal for imposing an interim measure when it finds that the circumstances presented in the proposal for imposing an interim measure do not make credible claim that the assets can be alienated, disposed of or otherwise will not be available to that person.
  
2. The Bureau officer shall be entitled to file an appeal against the ruling from paragraph 1, sub-paragraph 1.2 of this Article, within forty-eight (48) hours from the receipt of the ruling. The appeal shall be filed

with the second instance court through the first instance court. The appeal shall not stay the execution. The second instance court shall rule on the appeal within twenty-four (24) hours from the receipt of the appeal.

3. The second instance court shall, when ruling on the appeal, have the right to reject the appeal or amend the ruling of the first instance court. In case it amends the ruling of the first instance court, the second instance court shall order the security measure on the assets, issuing a ruling according to paragraph 1, subparagraph 1.2 of this Article.

4. The decision issued by the first instance court or the second instance court under paragraphs 1 and 3 of this Article shall be promptly sent to the competent body that maintains the relevant register for that asset, such as the Cadastral Agency, Notary Chamber, Chamber of Enforcement Agents, Vehicle Registration Centre, Central Bank of Kosovo, or any other competent institution, which are obliged to implement such an order.

5. The ruling from paragraph 1 of this Article shall be promptly sent by the court to the person against whose assets the interim security measure has been imposed.

### **Article 26**

#### **Objection to the interim security measure on the assets**

1. The person against whose assets the interim security measure on the assets has been imposed, may object to the imposition of such measure within fifteen (15) days from the receipt of the decision. The objection must be reasoned.

2. When the person against whose assets the interim security measure is imposed has not objected to the imposition of such measure, the order to impose the interim security measure on the assets shall remain in force until another decision on the assets is rendered.

3. When an objection is filed, the court shall schedule a hearing within seven (7) days from the receipt of the objection.

4. In the hearing to decide on the objection, the court invites: The Bureau officer, the opponent of the temporary measure and the third parties. The parties may be invited in person or through their representatives.

5. In the hearing to decide on the objection, the applicant for the interim measure, as well as the third party, shall initially be asked to argue the allegations presented in the objection, by presenting evidence regarding the credibility and lack of risk for assets.

6. The Bureau may provide additional evidence and arguments to make it credible that the interim security measure on the assets is reasonable and urgent and that by acting otherwise, the assets may be alienated, disposed of or otherwise will not be available to that person.

### **Article 27**

#### **Security measure on the assets**

1. After holding the hearing, the Court shall issue a special ruling on:

1.1. annulling the ruling by which it imposed the interim security measure on the assets pursuant to Article 24 of this Law;

1.2. keeping in force the interim security measure on the assets pursuant to Article 24 of this Law;  
or



1.3. replacing the interim security measure on the assets pursuant to Article 24 of this Law by another type of security measure, when it finds that circumstances making credible the claim that there is a risk that the assets may be alienated, disposed of or otherwise will not be available to that person continue to exist.

2. The ruling from paragraph 1 of this Article shall contain:

2.1. the introductory part, determining the name of the court, the date of the hearing, the fact that the hearing was public or closed, the parties to whom it refers, the assets against which the interim measure is imposed, the type of measure by which the assets are secured, and the date of compilation;

2.2. the enacting clause, determining whether the interim measure has been imposed on the assets, specifying the assets subject to such a measure, as well as the fact that such a measure has effect until the completion of the procedure of verification of assets or the procedure of confiscation of assets;

2.3. the reasoning, reflecting the course of the verification procedure, the proposal of the Bureau and the order on the interim measure on the assets, the time of scheduling the hearing, the claims of the parties in the hearing, the evidence proposed by the parties, the reasons why the court came in conclusion that the circumstances set out by the Bureau justify the measure on the assets, and why such a measure is necessary to avoid alienation, disposal of or otherwise avoid the assets being available to that person.

3. The ruling from paragraph 1 of this Article must be served on the parties, any known third party that has claimed legal interest in the assets, as well as the competent body that maintains the relevant register for that asset, such as the Cadastral Agency, Chamber of Enforcement Agents, Vehicle Registration Centre, Central Bank of Kosovo, or any other competent institution obliged to implement such an order.

## **Article 28** **Appeal against the Ruling**

1. The aggrieved party may file an appeal against the ruling from Article 27, paragraph 1 of this Law, within fifteen (15) days from the receipt of the ruling. The appeal shall be filed to the second instance court through the first instance court. The appeal shall not stay the execution.

2. The appeal shall be served on the opposing party, through the first instance court. The opposing party shall have the right to file a response to the appeal within fifteen (15) days.

3. After receiving the response, the first instance court shall forward the appeal with all the case files to the second instance court.

4. The second instance court shall rule on the appeal within seven (7) days from the day on which the response to the appeal is received or the deadline for its submission expires.

5. In deciding on the appeal, the second instance court may:

5.1. dismiss the appeal as belated or inadmissible;

5.2. quash the ruling of the first instance court and send the case back for retrial in the first instance;

5.3. reject the appeal as unfounded and confirm the ruling of the first instance court; or

5.4. amend the ruling of the first instance court and open a hearing to directly review the appellate claims.

6. When the court imposes the security measure on the assets or when it imposes the interim measure on the assets and the assets subject to such a measure bears fruits, the measure imposed shall also extend to the fruits.

### **Article 29** **Duration of measures**

1. The court may order the security measure on the assets for a period of at least ninety (90) days and a maximum of six (6) months, from the time when the ruling on imposing the measure has become final.

2. When the interim security measure on the assets has not been objected in accordance with Article 26 of this Law, the Court may order the interim security measure on the assets for a period of at least ninety (90) days and a maximum of six (6) months, from the time when the ruling on imposing the measure has become final.

3. Exceptionally, the Court may order the interim security measure on the assets, respectively the security measure on the assets, for a period of at most one (1) year, when the case deepens on the request for international legal cooperation.

4. The interim security measure on the assets, respectively the security measure on the assets is ordered before the submission of the proposal for confiscation and when the Bureau does not submit the proposal for confiscation within the deadlines from paragraphs 1, 2 and 3 of this Article, the Court shall promptly and formally, at the request of the party to the proceedings, annul the ordered measure and order that the assets be made available to the party.

## **CHAPTER VII** **PROPOSAL FOR CONFISCATION**

### **Article 30** **Submission of the proposal for confiscation**

1. The proposal for confiscation must contain:

1.1. the name of the court;

1.2. the Bureau data;

1.3. data of the person whose assets are proposed to be confiscated;

1.4. data of the third party when the verified assets have passed to that person;

1.5. legal basis;

1.6. the list of each asset proposed to be confiscated, specifying exactly the type and amount of value of the assets;

1.7. any data that has served in the verification of assets under Article 19 of this Law;

1.8. if necessary, the request for security measure on the assets.

2. All the evidence that the Bureau has examined the assets subject to the proposal for confiscation shall be enclosed to the proposal for confiscation.

3. The Bureau shall submit the proposal for confiscation of assets to the Court in sufficient copies for the party to the procedure, as well as for any known third party that has a legal interest in the assets.
4. The court shall, as soon as it receives the proposal for confiscation along with the evidence, examine within three (3) days whether the proposal meets the legal requirements from paragraph 1 of this Article.
5. If the court finds that the request fails to be comprehensible and complete, as required by paragraph 1 of this Article, it shall issue a ruling instructing the Bureau to make corrections and amendments to the proposal within seven (7) days.
6. If the proposal is corrected or amended and submitted to the court within the given deadline, it shall be considered that it was submitted to the court on the day when it was originally filed.
7. The proposal will be considered withdrawn if it is not returned to the Court within the given deadline. If the proposal is returned to the Court without being improved or completed, i.e., without being completed, the proposal is rejected.
8. When the court issues a ruling finding that the proposal is withdrawn or dismisses it, it shall revoke any measure that is in force against the assets subject to verification. In cases where the proposal is dismissed, the same cannot be presented in the future under any circumstances.
9. When the court finds that the proposal has been filed in accordance with paragraph 1 of this Article, the proposal along with all the evidence shall be sent to the party to the procedure and the third party known, within seven (7) days from the receipt of the proposal.

**Article 31**  
**Opposition to the proposal for confiscation**

1. The parties in the procedure, after receiving the proposal for confiscation along with the evidence under Article 30 of this Law, shall have the right to submit a written objection to the first instance court within thirty (30) days from the receipt of the proposal.
2. Objection may be submitted, including but not limited to the following reasons:
  - 2.1. the asset proposed to be confiscated has justified origin;
  - 2.2. the proposal for confiscation includes assets that cannot be enforced according to the law;
  - 2.3. the Bureau, during the asset verification phase, has not taken into account the evidence provided by the party to procedure.
3. The court shall send the objection according to paragraph 1 of this Article to the Bureau promptly. The Bureau may provide a written response to the objection within seven (7) days from the receipt of the objection.
4. Upon receipt of a written response from the Bureau, or after the deadline available to the Bureau to respond expires, the court shall examine the objection in an out-of-court hearing and issue a reasoned ruling on:
  - 4.1. dismissing the proposal of the Bureau and ascertaining the completion of the procedure;
  - 4.2. rejecting the objection;
  - 4.3. staying the examination of the proposal for confiscation within the term of thirty (30) days and returning the proposal to the Bureau to eliminate procedural violations, forcing it after the deadline of thirty (30) days to notify the court whether it maintains the proposal for confiscation;

5. The aggrieved party shall have the right to file an appeal against the ruling from paragraph 4 of this Article within fifteen (15) days. The appeal shall be filed with the second instance court that issued the ruling. The appeal shall not stay the execution.

6. The first instance court shall send the appeal on the opposing party to respond to the appeal within seven (7) days. After receiving the response to the appeal, the first instance court shall forward the appeal with all the case files to the second instance court.

7. The second instance court shall rule on the appeal within seven (7) days from the day of receiving the appeal and issues a reasoned ruling on:

7.1. rejecting the appeal as unfounded and upholding the ruling of the first instance court;

7.2. granting the appeal as founded and annulling the ruling of the first instance court and sending the case back for retrial; or

7.3. amending the ruling of the first instance court and ruling on the appeal.

## **CHAPTER VIII**

### **HEARING ON EXAMINATION OF THE PROPOSAL FOR CONFISCATION**

#### **Article 32**

##### **Preparation of the hearing on examination of the proposal for confiscation**

1. After deciding on the objection of the parties to the proposal for confiscation, or after the expiration of the deadline for objection, the court shall schedule a hearing to examine the proposal for confiscation of assets.

2. The hearing on examination of the proposal for confiscation shall be scheduled by a court order, containing:

2.1. the day, time and place of the hearing;

2.2. proposal for confiscation;

2.3. persons to be summoned to the hearing;

2.4. other issues that may be relevant to the examination of the proposal for confiscation.

3. When the proposal for confiscation involves a large amount of assets or when the case includes numerous materials for consideration, the court must set the time of holding the continuous hearing by an order.

4. The court shall serve the summonses on the parties along with the order. When the hearing is scheduled for a continuous period, the summonses must also contain the days on which the hearing on examination of the proposal for confiscation resumes. The invitation must be sent eight (8) days before the beginning of the hearing.

5. The provisions of the relevant law on contested procedure shall apply mutatis mutandis to the service of summonses.

6. If at any time during the confiscation procedure, the party in the procedure loses the capacity to act or dies, the Court appoints a temporary representative of the party's asset, in accordance with the provisions of the relevant Law on Contested Procedure.

**Article 33**  
**Trial publicity**

1. The hearing on examination of the proposal for confiscation shall be public.
2. The court by a reasoned decision exempts the public from the hearing when exceptional circumstances, including but are not limited to, national security, private life, and where those circumstances outweigh the public interest.
3. With the permission of the court, certain officers, public and scientific workers and persons dealing with the judicial system monitoring may stay in the courtroom, if it is in the interest for their service, namely for their activity, public or scientific, and the same shall be obliged to keep secret everything they become aware of in such a hearing, as well as the consequences for the disclosure of secrecy.
4. A fine of one hundred (100) Euro to five hundred (500) Euro may be imposed against the persons failing to comply with obligation for keeping the secret from paragraph 3 of this Article.
5. The injured party may seek compensation in contested civil proceedings, when the issues in closed hearing have appeared in public by persons who have been obliged to abide by paragraph 3 of this Article.
6. Other issues related to the trial publicity which are not regulated by this Law, shall be regulated in accordance with the provisions of the relevant law on contested procedure.

**Article 34**  
**Hearing in the first instance**

1. According to Article 30 of this Law, the Bureau presents the evidence before the Court regarding the fulfilment of the civil standard of assessing the balance of probabilities that the asset that is the subject of examination is unjustifiable.
2. After submitting the proposal to the Court, the party to the procedure in the hearing session, must prove that the assets subject to the proposal have a justifiable origin.

**Article 35**  
**Hearing session**

1. The presiding judge shall, in the hearing, initially ascertain that the parties have been duly summoned, then ascertain the presence of the parties in the hearing, and make a ruling by which he/she ascertains whether the conditions for holding the hearing on examination of the proposal for confiscation are met.
2. When a Bureau officer fails to appear at the hearing even though he/she has been duly summoned, and he/she has not justified the absence in any way, he/she shall be considered to have withdrawn the proposal for confiscation.
3. If the person whose assets are proposed for confiscation fails not appear at the hearing, even though it has been duly summoned, the hearing shall be held without his/her presence.
4. In case it is found that the conditions for holding the hearing under paragraph 1 of this Article are met, the judge shall open the hearing, stating:
  - 4.1. the proposal for confiscation;
  - 4.2. the type of assets proposed for confiscation;
  - 4.3. the number and date of the proposal;

- 4.4. the Bureau officer;
  - 4.5. the person whose assets are proposed to be confiscated and his/her representative, if any;
  - 4.6. the third party and his/her representative, if any.
5. The judge shall inform the parties of his/her name and shall ask them to declare in case of remarks or requests for disqualification of the judge. The provisions of the relevant Law on Contested Procedure shall apply *mutatis mutandis* to the disqualification of judges.
6. After the opening of the hearing on examination of the proposal for confiscation, the judge shall pass the floor to the Bureau representative, who shall read the proposal for confiscation and shall argue as to how it has resulted according to the Bureau that the assets are unjustifiable.
7. After reading and providing arguments for the proposal, the floor is given to the party or the defense counsel for the party, to plead regarding the proposal for confiscation of assets. The party or defense counsel shall have the right to present evidence proving that the assets are justifiable.

### **Article 36** **Evidentiary proceedings**

1. Once the parties have given their arguments, the court shall proceed with the evidentiary proceedings.
2. The evidence proposed by Bureau shall be initially processed, where the person whose assets are proposed to be confiscated or his/her representative shall have the right to challenge any evidence processed, regarding:
  - 2.1. the authenticity of the evidence;
  - 2.2. the admissibility of the evidence; or
  - 2.3. reliability of the evidence.
3. After processing the evidence supporting the proposal for confiscation, the court shall proceed with the administration of the evidence presented by the person whose assets are proposed to be confiscated or his/her representative. The other party may oppose any evidence accordingly as in paragraph 2 of this Article.
4. At the hearing, the parties may propose the examination of witnesses for certain circumstances related to the assets subject to the proposal for confiscation.
5. Before the commencement of the witness examination, the court shall notify the witness of his/her obligations as follows:
  - 5.1. that he/she is obliged to tell the truth;
  - 5.2. he/she is not allowed to keep silent when he/she has knowledge of the matter for which he/she is required to testify; and
  - 5.3. if he/she does not tell the truth he/she can be held criminally liable for false statements.
6. Initially, the party proposing to hear the witness shall ask questions and seek clarification from the witness, and then the other party shall ask questions and seek clarification from the witness. When the parties state that they have no further questions for the witness, the presiding judge may ask questions and seek clarification from the witness.

7. The witness may invoke his/her right to reject to testify in accordance with the relevant law on contested procedure.
8. Each party shall have the right to propose to the court the taking any evidence related to the assets subject to the proposal for confiscation, including the taking of evidence inside or outside the country.
9. The court may reject the proposal to obtain evidence only when such evidence does not relate to the assets subject to the proposal.
10. The provisions of the relevant law on the contested procedure shall be accordingly applied to the administration of evidence.

### **Article 37**

#### **Examination of the party whose assets are proposed to be confiscated**

1. When the court finds that the evidentiary proceedings has been completed and the witnesses have been heard under Article 36 of this Law, the Court shall summon the party whose assets are proposed to be confiscated to be examined.
2. The party, whose assets are proposed to be confiscated, shall have the right not to answer the questions posed. If he/she chooses to answer the questions, then he/she may give his/her testimony about the assets subject of the hearing on the proposal for confiscation.
3. Firstly, the party whose assets are proposed to be confiscated shall be asked questions and sought clarification on the assets subject of the proposal for confiscation by his/her representative.
4. After examining the party whose assets are proposed to be confiscated by the defense counsel, such party shall be examined by the Bureau representative seeking clarification on the assets subject of the proposal for confiscation.
5. After examination by the Bureau representative, questions may be asked by the third party, seeking clarifications from the party whose assets are proposed to be confiscated, for the assets subject of the proposal for confiscation.
6. The court shall then ask the representative of the person whose assets are proposed to be confiscated, the Bureau representative or the third party if they have additional questions to the party whose assets are proposed to be confiscated. When the court finds that there are no additional questions, the judge may ask questions to clarify any circumstances related to the assets subject of the proposal for confiscation.

### **Article 38**

#### **Closing statement**

1. After examining the party whose assets are proposed to be confiscated, the court shall proceed with the closing statements of the parties, in the following order:
  - 1.1. initially, the closing statement shall be given by the Bureau officer, who argues that according to the balance of probabilities, the assets should be confiscated;
  - 1.2. the closing statement shall then be given by the representative of the person whose assets are proposed to be confiscated, who argues that the proposal for confiscation is unfounded;
  - 1.3. the closing statement shall then be given by the third party, if any, who argues that he/she has come into possession or ownership of the assets that are proposed to be confiscated in good faith and that this has been verified at the hearing;

- 1.4. then, the closing statement shall be given by the person whose assets are proposed to be confiscated, who argues that the assets are justified and that the same has no grounds to be confiscated;
2. In the closing statements, the parties may refer to the legal aspects, the evidence that has been examined in court and other circumstances proving the unjustifiability or justifiability of the assets.
3. In the closing statements, the parties may refer to the evidence administered during the trial proceedings.

### **Article 39** **Withdrawal from the proposal**

1. The Bureau shall have the right to withdraw from the proposal for confiscation of assets until the end of the hearing.
2. When withdrawing from the proposal, the Bureau shall justify before the court the reasons for such withdrawal.
3. In case of withdrawal from the proposal, the court shall promptly issue a reasoned ruling in the minutes, it shall ascertain the withdrawal of the proposal and the completion of the proceedings. The ruling shall be serve on the parties.
4. In case of withdrawal from the proposal, the case shall be considered as an adjudicated case.

### **Article 40** **Conclusion of the hearing and decision making**

1. After giving the closing statements by the parties, the court shall consider whether it needs to reopen the hearing due to any circumstances. When the court finds that there is no need to reopen the hearing, it shall find that the hearing on the proposal for confiscation is concluded.
2. After the conclusion of the hearing on the proposal for confiscation, the court shall recess for deliberation regarding the proposal for confiscation.
3. The court shall keep minutes in the course of rendering a decision on:
  - 3.1. finding whether the person whose assets are proposed to be confiscated, has succeeded in proving that the assets are justified;
  - 3.2. deciding to reject the proposal for confiscation as unfounded; or
  - 3.3. deciding to confiscate the assets, the unjustifiable origin of which has not been proven, specifying the type and nature of the unjustifiable assets.

### **Article 41** **Types of decisions**

1. The court shall render a judgment on the proposal for confiscation of assets. The court shall decide on all cases by ruling.
2. When the court, according to the balance of probabilities, finds that the proposal for confiscation of assets is founded and that the assets are unjustifiable, it shall render a judgment finding that the assets are not justified and shall order confiscation.



3. When the court, according to the balance of probabilities, finds that the proposal for confiscation of assets is partially founded, it shall partially grant the proposal by a judgment, finding that a part of the assets is not justified and shall order its confiscation, and it shall reject the proposal as unfounded for the rest of the assets and shall find the assets justified. For the rest of assets, it rejects the proposal as unfounded and finds that that part of assets is justifiable.
4. When the court, according to the balance of probabilities, finds that the proposal for confiscation of assets is not founded, it shall reject the proposal for confiscation by a judgment and shall find that the assets are justified.
5. When the Court finds that the proposal for confiscation is belated, the court shall dismiss the proposal as inadmissible.
6. Reasons for rejecting the proposal for confiscation include but are not limited to:
  - 6.1. the proposal for confiscation includes the assets whose verification is not allowed by law;
  - 6.2. the proposal was submitted after the expiration of the legal deadline, when the provisions provide for the legal deadline.
  - 6.3. the assets that do not exceed the value determined under Article 23, paragraphs 8 and 9 of this Law;
  - 6.4. the evidence examined at the hearing justifies the origin of the assets;
  - 6.5. the evidence was examined at the hearing prove that the assets were acquired in good faith by a third party;
  - 6.6. unjustifiable assets for confiscation shall include assets owned, possessed, or over which the party to the procedure exercises another form of control, or from which the party to the procedure has any benefit.
  - 6.7. the assets specified in the proposal for confiscation was not owned, possessed or otherwise controlled by the party to the procedure.

#### **Article 42** **Substitutive assets**

1. When it is not possible to confiscate the proposed assets for confiscation, then the replacement value will be confiscated, according to the market value of the asset at the time of the decision by the Court.
2. Any transaction carried out on illegally acquired assets shall have no effect concerning the State and any such transaction shall be confiscated when the transactions concerned are encumbrance transactions with third parties if the parties concerned knew or could have assumed that the assets had been purchased illegally or if the parties concerned had purchased the assets with the intent to conceal their illegal source or real rights related to them.
3. Confiscation shall also apply to any asset transferred to a third party on behalf of the person under review to avoid confiscation of the assets concerned or conceal the source or the real rights on the assets concerned.
4. Unless proven otherwise, any movable assets and cash held by the person under review, in his/her apartment or other premises, means of transportation, safe boxes or safes, whether owned or rented, shall also be considered as movables and cash belonging to the person under review.

### **Article 43**

#### **Content of the judgment**

1. The written judgment must be drafted within thirty (30) days from the day of the conclusion of the main hearing. When there are objective reasons, such as the volume of the case files, the judgment must be drafted within a maximum of sixty (60) days from the day of the conclusion of the main hearing. The written judgment must be in accordance with the original judgment.

2. The judgment shall include the introductory part, the enacting clause and the reasoning, with the relevant contents as follows:

2.1. the introductory part of the judgment shall contain the note that the judgment is taken in the name of the people, the name of the court, the name and surname of the presiding judge and the trial panel members and the court recording clerk, the name and surname of the Bureau representative, the name and surname of the party whose assets are subject to confiscation, the day of the main hearing, if the hearing was open or partially closed, the name and surname of the defense counsel for the party present at the main hearing, the name and surname of the third person and his/her defense counsel present at the main hearing, the date of conclusion of the main hearing and the date of drafting the judgment.

2.2. the enacting clause of the judgment shall contain: the decision approving the proposal for confiscation, including the number and date of the proposal, the finding that the assets are unjustifiable and the order that such assets will be confiscated, that the assets will be transferred to the ownership or disposal of the Government of the Republic of Kosovo and that registers are maintained for assets, and Kosovo Government will be registered as the owner. The enacting clause shall make the exact description of the identification data of each asset that is confiscated. When the request is rejected, the enacting clause shall include the decision that the request for confiscation is rejected as ungrounded, describing the number and date of the proposal and the data identifying each asset that has been proposed for confiscation. When security measures or interim measures have been imposed on the assets, the enacting clause shall ascertain that such measures remain in force until the judgment becomes final.

2.3. in the reasoning of the judgment, the court shall give the reasoning for each point of the judgment. The court shall clearly and fully state which facts and for what reasons such facts are considered to be established or unproven and on what evidence such facts are established, as well as which evidence fails to prove such facts that the parties have claimed to be established. The judgment shall contain the reasoning for the confiscation of each asset for which the confiscation is ordered and the reasoning for each asset for which the confiscation is not ordered.

3. The judgment shall contain the legal remedy on the right to appeal.

4. The judgment is signed by the judge and the recording clerk. The judgment is signed only in one (1) copy that remains in the case files of the court, while other copies of the judgment are ascertained with the seal of accuracy of the court.

### **Article 44**

#### **Serving the written judgment on the parties**

1. Once the court has drafted the written judgment, it shall serve a copy of the judgment on each party. A copy of the judgment for the parties shall be served with the court authenticity seal.

2. The court shall serve the written judgment on all institutions that keep asset registers, as well as institutions that implement security measures or interim measures on the assets.

## **CHAPTER IX APPELLATE PROCEEDINGS**

### **Article 45 Appeal against the judgment**

1. Against the judgment, the parties have the right to appeal within thirty (30) days. The appeal against the judgment shall be ruled by the second instance court.
2. The appeal shall be submitted to the first instance court for the Court of Appeals. The first instance court shall, when receiving the appeal, serve it on the opposing party, which can file a response to the appeal within fifteen (15) days. The response to the appeal must contain information that refers to the appellant's claims.
3. If the first instance court receives the response to the appeal, it shall forward the appeal with all the case files to the Court of Appeals within three (3) days.
4. The Court of Appeals shall promptly register the case in the reference registers and shall, within three (3) days, assign it to a court panel to rule on the appeal.
5. An appeal filed within the time limit set by law shall prevent the judgment from becoming final in the part affected by the appeal.
6. Along with the appeal, new evidence may be submitted, about which the party submitting it must justify that it was not aware of and that it was not his/her fault for not managing to submit it to the first instance court. The appeal may propose taking of new evidence by the second instance court and the requesting party must prove that there is no legal possibility to provide such evidence himself/herself.

### **Article 46 Grounds for appeal against the judgment**

1. The judgment may be appealed:
  - 1.1. due to essential violation of procedural provisions;
  - 1.2. due to erroneous or incomplete determination of factual situation;
  - 1.3. due to the erroneous application of substantive law.

### **Article 47 Essential violations of procedural provisions**

1. The essential violation of procedural provisions shall exist if the court during the procedure has not applied or has improperly applied any provision of this Law, and this has had or could have had an impact on the issuance of the judgment.
2. The essential violation of procedural provisions shall exist when:
  - 2.1. the court did not have the composition determined by the relevant law or if the decision was issued by a judge who did not participate in the trial hearing;
  - 2.2. the proposal falls outside the court jurisdiction under Article 3, paragraph 1, sub-paragraph 1.2 of this Law;

- 2.3. the proposal falls outside the scope under Article 2 of this Law;
- 2.4. a judge who according to the relevant law should have been disqualified, is disqualified, or was disqualified by a court decision, participated in the issuance of the judgment or a person who does not have the quality of a judge participated in the issuance of the judgment;
- 2.5. it is decided on the proposal that includes the assets for which the law does not provide for verification and confiscation;
- 2.6. it is decided on the proposal that does not reach the value determined under Article 23 of this Law;
- 2.7. contrary to the provisions of this Law, the court has issued a decision without holding the main trial;
- 2.8. any of the parties, by illegal action, has been denied the right by not being given the opportunity to have the case heard before the court;
- 2.9. contrary to the provisions of this Law, the court has rejected the party's request to use his/her own language in the procedure and attend the proceedings in his/her own language, and therefore files an appeal;
- 2.10. in the proceedings, the person who cannot be a party to the procedure has participated, or if the party that is a legal person has not been represented by an authorized person;
- 2.11. it is decided on the request for which the procedure is ongoing or for which a final decision has been issued;
- 2.12. contrary to the law, the public was excluded from the main hearing;
- 2.13. the judgment has flaws due to which it cannot be examined, especially if the enacting clause of the judgment is incomprehensible, or if the judgment does not contain reasoning, or it does not provide grounds on the decisive facts, or when those grounds are unclear, or if there is a contradiction for the decisive facts between what is stated in the reasoning of the judgment about the content of the document or the record and those documents themselves or the record;
- 2.14. the judgment exceeds what was requested through the request for confiscation.

#### **Article 48**

##### **Erroneous or incomplete determination of the factual situation**

1. The erroneous determination of the factual situation shall exist when the court has erroneously established a decisive fact.
2. Incomplete determination of the factual situation shall exist when the court has not established any decisive fact at all.

#### **Article 49**

##### **Erroneous application of substantive law**

Erroneous application of substantive law shall exist when the court has not taken into account any provision of substantive law that should have been taken into account, which has to do with the law governing ownership and other property rights, relations of obligations, inheritance, as well as other laws governing other legal-civil relations.

**Article 50**  
**Proceedings before the second instance court**

1. When the Court of Appeals receives an appeal against a judgment, it must schedule a hearing within thirty (30) days.
2. The parties shall be summoned to participate in the hearing through the summonses notifying them on the venue and time of the hearing. Failure by a duly summoned party to attend the hearing shall not be an obstacle to holding the hearing.
3. The hearing shall commence by noting the presence of the parties by the presiding judge. Having ascertained this, the presiding judge shall ask the parties if they have any objections regarding the composition of the panel or a request for disqualification. In case the parties have requests for disqualification, the provisions of the relevant law on contested procedure shall apply mutatis mutandis, as for the disqualification of a judge in the first instance court.
4. The Presiding Judge shall then give the floor to the parties. Initially, the party who filed the appeal shall take the floor and shall justify the allegations in the appeal. Then, the opposing party that has submitted a response to the appeal shall take the floor and shall justify the allegations in the response to the appeal.
5. During the reasoning by the parties, they may refer to any record of the trial in the first instance court, any evidence or other document to substantiate their claims.
6. Following that, the Court of Appeals shall recess for deliberation. The Court of Appeals may, at the hearing, decide to open the trial for the purpose of directly examining the allegations, and in that case, may conduct the evidentiary proceedings for any evidence that has been processed by the first instance court, may process the evidence enclosed in the appeal, or may order taking of the evidence proposed in the appeal that the party makes it credible that he/she personally has no legal capacity to provide the proposed evidence. When the court reopens the hearing session to directly examine the appellate allegations, again after the evidentiary proceedings, it shall give the floor to the parties to argue on the evidence administered by the court.

**Article 51**  
**Execution of the court decision regarding confiscation of assets**

The order on confiscation of assets confiscated according to the procedure determined by this Law shall be executed by the court in accordance with the relevant law on enforcement procedure.

**Article 52**  
**Limits of examination of the judgment according to the appeal**

1. The court shall, when deciding on the appeal, examine the judgment in the parts against which the right of appeal has been exercised, and that within the limits of the grounds that have been alleged in the appeal.
2. The court shall ex officio take care of the essential violations of procedural provisions as well as the implementation of the substantive law.

**Article 53**  
**Appeal against the Ruling**

1. An appeal shall be permitted against the ruling of the first instance court if this Law does not stipulate that the appeal shall not be permitted.
2. If this Law expressly provides that a special appeal shall not be permitted, the first instance ruling may be appealed only through an appeal filed against the decision ending the proceedings of the case in the first instance court.
3. In the procedure according to the special appeal filed against the ruling, the provisions of this Law that apply to the appeal against the judgment shall accordingly apply, except for the provisions which provide for the possibility of examination of the case directly by the second instance court.
4. Deciding on the special appeal, the second instance court may:
  - 4.1. dismiss the appeal as belated, incomplete, or inadmissible;
  - 4.2. reject the appeal as unfounded and uphold the ruling of the first instance court;
  - 4.3. approve the appeal and amend the appealed ruling;
  - 4.4. approve the appeal and annul the appealed ruling, and send the case back for retrial, as appropriate.

**Article 54**  
**Decisions of the second instance court on the appeal**

1. The court which rules according to the legal remedy, based on the panel hearing and the examination of the case filed directly before it, may:
  - 1.1. reject the appeal as unfounded by a judgment and uphold the appealed judgment, if it finds that the violations alleged by the party or the violations which the court has the duty to observe ex officio do not stand;
  - 1.2. by a judgment amend the appealed judgment, when it finds that the appeal is founded and that it is not necessary to open the examination for the evidentiary proceedings.
  - 1.3. by a ruling quash the appealed judgment and send the case back for retrial to the first instance court. The second instance court shall be entitled to send the case back for retrial. The second instance court may annul the judgment of the first instance court only when it opens a hearing on the evidentiary proceedings directly;
  - 1.4. by a ruling reject the appeal as belated, incomplete or inadmissible.

**CHAPTER X**  
**PROCEDURE ACCORDING TO EXTRAORDINARY LEGAL REMEDIES**

**Article 55**  
**Extraordinary legal remedies**

1. The parties may file extraordinary remedies against the judgment of the second instance court, as follows:

- 1.1. revision;
- 1.2. request for reopening of proceedings.

### **Article 56** **Revision**

1. A revision may be filed against a second instance judgment within thirty (30) days, regardless of the value of the assets confiscated.
2. The revision may be filed due to violations of the procedural provisions as well as erroneous application of substantive law. The revision cannot be filed due to erroneous or incomplete determination of factual situation.
3. The Supreme Court shall have jurisdiction to rule on the revision. The court shall rule on the revision in a panel of three (3) judges based on the case files. The Supreme Court shall, when it deems reasonable, open the panel hearing and summon the parties regarding any circumstances justifying a direct hearing of the party's allegation.
4. The revision shall be submitted to the first instance court for the Supreme Court. The first instance court shall, when receiving the revision, serve it on the opposing party, which may file a response to the revision within fifteen (15) days. After the first instance court receives a response to the revision or after the deadline for submitting a response expires, it shall send the revision with all the case files to the second instance court. The second instance court shall enclose all case files to the file of the first instance court and shall forward it as a whole to the Supreme Court.
5. The Supreme Court shall rule on the revision no later than ninety (90) days from the date of receipt.
6. The submission of the revision shall not stay the execution of the final decision.
7. In deciding on the revision, the Supreme Court shall rule accordingly as provided for in Article 41 of this Law.

### **Article 57** **Reopening of proceedings**

1. The procedure completed by a final court judgment and ruling may be reopened upon the proposal of the party within a maximum period of five (5) years, while for the grounds under sub-paragraphs 1.4, 1.6 and 1.7 of this Article the deadline shall be ninety (90) days from the time of notification of such grounds:
  - 1.1. if the party by illegal action, especially in case of not being summoned to the hearing, is not given the opportunity to participate in the trial of the main case;
  - 1.2. if the party or the person who cannot be a litigant has participated in the completed procedure, or if the party that is a legal entity has not been represented by an authorized person, or if the party with procedural incompetence has not been represented by his/her legal representative, or if the legal representative, namely the authorized representative of the party, did not have the proper power of attorney to pursue the case before the court or to perform certain procedural actions, if the prosecution of the case in court or of certain procedural actions is not allowed later by the party;
  - 1.3. if the final court decision is based on false statements of witnesses or experts or on a document that has been falsified or in which the incorrect content has been verified;
  - 1.4. if the final decision is a consequence of the criminal offence of the judge, legal representative or by the power of attorney of the opposing party or the third party;

- 1.5. if the party gains the opportunity to use the court final decision which was previously given in the procedure conducted between the same parties for the same statement of claim;
  - 1.6. if the final decision is based on another court decision or a decision of another body, and this decision has been amended, overturned or annulled in a final way;
  - 1.7. if the party becomes aware of new facts or finds new evidence, or gains the opportunity to use them, based on which a more favourable final decision could be made for the party if such facts and evidence would have been used in the previous procedure.
2. A party may file a motion to reopen the proceedings despite the fact that the party has not filed such appellate allegations of violation with the first instance court or the second instance court, or even though such allegations have not been successful if they have been filed by the party. In order to file a motion for reopening of proceedings, the party shall have no obligation to prove under any circumstances that such allegations of violation have been used before or have been filed without success.
  3. The Supreme Court shall be competent to rule on the motion for reopening of proceedings, adjudicating in an out-of-court hearing based on the case files composed of a panel of three (3) judges.
  4. The motion must indicate in particular, the legal basis based on which the reopening of proceedings is requested, the circumstances from which it results that the motion was submitted within the legal deadline and the probative means by which the allegations of the person filing the motion are justified.
  5. The motion for reopening of proceedings shall always be filed to the court that has issued the first instance decision. The first instance court shall, when receiving the revision, serve it on the opposing party, which shall be entitled to file a response to the motion within fifteen (15) days. Upon receipt of the response or after the deadline for response, the first instance court shall forward the motion to the second instance court with all the case files. The second instance court shall enclose the case files related to that case to the case files of the first instance court and shall forward them all together to the Supreme Court.
  6. The Supreme Court shall, after receiving the motion, rule on the proposal no later than ninety (90) days.
  7. When the Supreme Court deems that the proposal for reopening of proceedings is founded, it shall allow the reopening of proceedings by a ruling. Copies of the ruling shall be forwarded by the Supreme Court to the second instance court as well as to the first instance court, which then shall serve the copies on the parties.
  8. The Supreme Court shall, by a ruling, reject the motion for reopening of proceedings when it finds it unfounded.
  9. The right to appeal shall not be permitted against the ruling on granting and rejecting the motion for reopening of proceedings.

#### **Article 58**

##### **Restriction of the right to use extraordinary remedies**

1. When a party has filed a revision or motion for reopening of proceedings, it cannot file the same allegations in these two extraordinary remedies.
2. If the party has filed both extraordinary remedies at the same time, the court shall rule by a single decision on all the reasons that the party has presented in the extraordinary remedies.

#### **Article 59**

##### **Procedure in case of annulment of decisions and sending the case back for retrial as well as in case of granting the reopening of proceedings**



The first instance court or the second instance court shall schedule a retrial hearing within thirty (30) days at the latest, in case of annulment of the decision and sending the case back for retrial, or in case of granting the reopening of proceedings.

**Article 60**  
**Third party rights**

1. Whenever the Bureau is informed about the existence of the legal interest of any other natural or legal person, it is obliged to notify the court within three (3) days from the day of notification of this legal interest. In cases where the Bureau has no knowledge of the party's address, it notifies the Court.
2. The court summons the party to the next hearing if the address is known.
3. The Court makes the announcement on the official notice board as well as on the Court's official website.
4. Any person who finds out of an asset that he/she may have an interest in that asset under the verification process or may be subject to a proposal for confiscation of unjustified assets, may request the Bureau or the court to be involved as a third party to the procedure.
5. The third party shall enjoy the same rights as the other parties to procedure but only in the part of the assets justifying that he/she has a legal interest in that asset.
6. The third party shall not be limited to requesting involvement in the procedure even under regular or extraordinary legal remedies.
7. The court shall issue a ruling deciding for each party that has submitted a request and has made credible the fact that he/she is a person with an interest in the assets under verification or requested to be confiscated.
8. The right to appeal shall not be permitted against the ruling by which the participation of a third party is granted. The right to appeal against the ruling by which the participation of the third party is rejected shall be permitted within three (3) days. The second instance court shall decide on the appeal.

**CHAPTER XI**  
**RELATIONSHIP WITH OTHER PROCEDURES AND ADMINISTRATION**

**Article 61**  
**Application of other legal provisions**

The provisions of the relevant law on contested procedure shall apply mutatis mutandis for judicial procedural matters which are not regulated by this Law.

**Article 62**  
**Effect of other procedures in implementation of provisions of this Law**

1. When the Bureau, namely the court, is informed that the asset subject to verification or confiscation according to this Law, is at the same time subject of a criminal investigation or an extended confiscation procedure, then the Bureau, namely the court, suspends the verification procedure, namely the confiscation.

2. In any case where the suspension of the procedure is decided by the Bureau in cases of verification, the Bureau may ask the Court to impose a security measure on the asset that is under verification until the end of the criminal procedure.
3. In any case where the suspension of the confiscation procedure is decided by the Court, the Court can impose a security measure on the asset that is in the procedure for confiscation until the end of the criminal procedure.
4. The State Prosecutor is notified on the stay of the procedure from paragraph 1 of this Article.
5. The statements given as well as the documents provided by the party in the procedure according to this Law cannot be used as evidence in criminal proceedings.
6. After the completion of the investigation, the State Prosecutor notifies the Bureau, namely the court, that he/she has stayed the procedure from paragraph 1 of this Article for the asset that has been requested to be confiscated in criminal proceedings, or in the procedure of extended confiscation.
7. The Bureau, namely the court, can resume the stayed procedure only for the asset for which the State Prosecutor has not requested confiscation according to another procedure. In case a proposal for confiscation has been submitted in accordance with Article 30 of this Law, the proposal is amended accordingly.
8. If, on the occasion of the completion of criminal proceedings with a final decision, the asset has not been confiscated by a court decision, the Bureau, namely the court, resumes the stayed procedure for that asset.
9. If, on the occasion of the completion of criminal proceedings with a final decision the asset is confiscated by a court decision, the Bureau, by means of a decision, terminates the verification of that part of the asset, while the court, by means of a ruling, rejects that part of the confiscation proposal as an adjudicated case.
10. When the Bureau, namely the court, is informed that the subject to verification or confiscation according to this Law, is at the same time subject to a contested civil procedure, the Bureau, namely the court, stays the verification procedure, namely confiscation, due to the creation of the litispence.

### **Article 63** **Compensation of the parties in the procedure**

For the compensation of the parties in the procedure, the provisions of the relevant legislation into force on obligational relationships shall be applied accordingly.

### **Article 64** **Administration of confiscated assets**

The confiscated assets under this Law shall be administered by the relevant Agency for the Administration of Confiscated Assets, in accordance with the relevant applicable legislation.

## **CHAPTER XII EXECUTION OF DECISIONS AND PRIORITY IN SATISFYING THE CLAIMS**

### **Article 65 Execution of final decisions and priority in satisfying the claims**

1. The judgment on confiscation of assets shall be executed by the court that has decided on the proposal for confiscation.
2. Claims that have been secured through the confiscated assets shall be initially satisfied, then the liabilities towards the payment of taxes the party is obliged to pay shall be satisfied, and the rest of the confiscated assets shall be transferred to the ownership of the Government of the Republic of Kosovo.

## **CHAPTER XIII INTERNATIONAL LEGAL COOPERATION**

### **Article 66 Request for international legal assistance**

1. The Bureau may request collection of information and obtaining evidence abroad, through a request for collection of information and obtaining evidence abroad.
2. The request from paragraph 1 of this Article shall be addressed to the court.
3. Through the request from paragraph 1 of this Article, the following actions can be requested:
  - 3.1. obtaining evidence or statements from persons;
  - 3.2. service of court documents;
  - 3.3. execution of orders on freezing and confiscation of assets;
  - 3.4. inspection of items and places;
  - 3.5. providing information, evidence and expert assessments;
  - 3.6. Providing originals or certified copies of relevant documents and data, including government, banking, financial, enterprise or business data;
  - 3.7. identification and tracing of proceeds, assets and instruments from crime for the purpose of proving;
  - 3.8. the voluntary appearance of persons in the requesting state;
  - 3.9. any other form of assistance that does not conflict with the domestic law of the requested state.
4. The request from paragraph 1 of this Article must:
  - 4.1. identify the requested state;
  - 4.2. describe the issue and nature of the investigation, court or other proceedings under which the request is made and the name and functions of the authority undertaking the investigation, court proceedings or otherwise;

- 4.3. contain a summary of relevant facts, except when the request refers to the service of documents;
  - 4.4. describe the form of assistance requested, as well as the procedure according to which the request is required to be executed;
  - 4.5. where possible, provide information on the identity, location and nationality of the person concerned;
  - 4.6. describe the purpose for which evidence, information or action is required; and
  - 4.7. highlight whether the request is confidential.
5. If the court deems that the collection and obtaining of evidence by foreign authorities is necessary for the conduct of the verification procedure, the Court shall approve the Bureau request and shall submit to the authorities of the requested State a request for international legal assistance in accordance with the relevant law on international legal cooperation.

#### **Article 67**

##### **Execution of decisions on assets outside the territory of the Republic of Kosovo**

1. The ruling on interim security measure on the assets, the ruling on the security measure on the assets, and the judgment on confiscation of the unjustifiable assets under this Law, may include assets located both inside and outside the territory of the Republic of Kosovo.
2. In any case determined by this Law, when the assets are located in a country or territory outside the Republic of Kosovo, the court shall request the recognition and execution of decisions under paragraph 1 of this Article in the territory of the state where the assets are located, in accordance with the relevant law on private international law.

#### **Article 68**

##### **Sharing information**

1. The Bureau will share information for the purposes of this Law with the competent authorities of other countries and with international organizations based on domestic legislation, bilateral agreements and international agreements that are into force for the Republic of Kosovo.
2. The Bureau shall conclude international agreements within its scope.

#### **Article 69**

##### **Bureau functionalization**

1. The President of the Supreme Court appoints a judge from among the ranks of the Supreme Court as a member of the Bureau Committee, no later than fifteen (15) days from the entry into force of this Law.
2. The constitution of the Committee takes place no later than thirty (30) days after the entry into force of this Law.
3. The Committee starts the selection procedure of the Director General not later than fifteen (15) days from the day of constitution.
4. After the constitution and until the Bureau is fully functionalized, the Committee meets regularly and approves the necessary sub-legal acts for the Bureau's full functioning.

5. Only after the full functionalization of the Bureau, but no later than one (1) year after the entry into force of this Law, the Bureau begins to implement the provisions of this Law in the function of verification of unjustifiable assets.

6. The functionalization of the Bureau according to paragraph 5 of this Article, means the appointment of the Director General, the recruitment of staff and the equipping of the office with the necessary resources for work.

7. Until the functionalization of the Bureau, the administrative function is performed by the Corruption Prevention Agency, which is allocated additional budget funds to perform such function.

8. The General Director is obliged to complete the staff and make the Bureau functional within six (6) months from his election.

## **CHAPTER XIV TRANSITIONAL AND FINAL PROVISIONS**

### **Article 70 Sub-legal acts**

The sub-legal acts defined in this Law are issued within six (6) months from the entry into force of this Law.

### **Article 71 Entry into force**

This Law shall enter into force six (6) months after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 08/L-121  
9 February 2023**

**Glauk KONJUFCA**

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**President of the Assembly of the Republic of Kosovo**