

Kosovo Property Claims Commission  
Komisioni i Kërkesave Pronësorete Kosovës  
Komisija Kosovske Agencijeza Imovinu

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## DECISION

PANEL NO: 1

DECISION NO.: KPCC/D/C/160/2012  
DECISION DATE: 06/06/2012

Commissioners Heiskanen (Chairperson),  
Vokshi and Wühler

## ORDER

*(1) In the 5 (five) claims identified in parts A and C of the attached Schedule, the Commission*

*decides that*

*The claimant or the property right holder, as the case may be, has established ownership over the claimed property;*

*(2) In Claim No. 00057, referred to in part B of the attached Schedule, the Commission*

*decides that*

*The property right holder has established a right of use over the claimed property;*

*(3) In each of the 6 (six) claims referred to paragraphs (1) and (2) above, the Commission*

*orders that*

*(a) The claimant or the property right holder, as the case may be, be given possession of the claimed property;*

*(b) Any person unlawfully occupying the property vacate the same within 30 (thirty) days of the delivery of this order; and*

*(c) Should any person unlawfully occupying the property fail to comply with the order to vacate within the time stated, they be evicted from the property.*

- (4) *The Commission additionally decides that Claim No. 10024 be dismissed insofar as the Claimant seeks compensation for damage to the claimed property.*
- (5) *In the 12 (twelve) claims identified in part D of the attached Schedule, the Commission decides that the claim be dismissed.*
- (6) *In Claim No. 11554, referred to in part E of the attached Schedule, the Commission decides that the claim be refused.*

## **LEGAL FRAMEWORK**

1. On 13 June 2008, Law No. 03/L-079 adopting and amending UNMIK Regulation 2006/50 ("UNMIK/REG/2006/50") on the resolution of claims relating to private immovable property, including agricultural and commercial property entered into force in Kosovo. The Law included an annex ("Annex I") adopting and amending UNMIK Administrative Direction No. 2007/5 ("UNMIK/ADM/DIR/2007/5"), which implements UNMIK/REG/2006/50. Law No. 03/L-079 and Annex I established the Kosovo Property Agency ("KPA") as an independent agency and amended certain provisions of UNMIK/REG/2006/50 and UNMIK/ADM/DIR/2007/5 as necessary to effect the change in the applicable legal framework. In accordance with their terms, Law No. 03/L-079 and Annex I entered into force upon their publication in the Official Gazette.
2. Pursuant to section 22 of UNMIK/REG/2006/50 the Regulation ceased to be in force after 31 December 2008. Accordingly, Law No. 03/L-079 is presently the sole source of the Commission's statutory authority. The provisions of UNMIK/REG/2006/50 remain relevant to the extent that they have been incorporated by reference to Law No. 03/L-079.

## **REASONS FOR THE DECISION**

3. A claimant is entitled to an order from the Commission for repossession of the property, if the claimant proves:
  - (a) ownership of private immovable property, including agricultural and commercial property; or
  - (b) a use right in respect of private immovable property, including agricultural and commercial property,

where the claimant or the property right holder, as the case may be, is not now able to exercise such property rights, and where the claim involves circumstances directly related to or resulting from the armed conflict that occurred in Kosovo between 27 February 1998 and 20 June 1999. (See section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079.)

4. Where the claimant makes an ownership claim pursuant to section 3.1(a) of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission must resolve the issue of ownership and, if ownership is proven to the satisfaction of the Commission and the claimant does not indicate otherwise, make an order for repossession in favour of the claimant or the property right holder, as the case may be. Where the claimant makes a claim for a property use right pursuant to section 3.1(b) of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission may consider the claim in a summary procedure and make an

order for recovery of possession. (See section 3.1 of UNMIK/REG/2006/50 read together with section 9 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079.)<sup>1</sup>

5. The Commission held its twenty-ninth session from 4 to 6 June 2012 in Prishtinë/Priština. A total of 21 commercial property claims were submitted by the Executive Secretariat of the KPA (the "Executive Secretariat") to the Commission at its twenty-ninth session, together with supporting documentation, claims processing reports, verification reports and other relevant information. All 21 commercial property claims were resolved by the Commission during the session. Nineteen of these claims are dealt with in the present decision; the remaining two claims are dealt with in decision KPCC/D/C/161/2012.

6. At the Commission's session, the Executive Secretariat presented the claims to the Commission and reported on the processing of and the legal and evidentiary issues raised by the claims. At the Commission's request, the Executive Secretariat provided additional information and explanations, as required.

*A. Claims covered by the present decision*

7. The present decision applies to the nineteen claims for commercial property submitted to the Commission during the twenty-ninth session. In each of these claims, except for Claim Nos. 00057, 00974, 08840, 11554, 11582, 11589 and 16518, the claimant seeks the resolution of an ownership claim. The Claimant in Claim Nos. 00057, 00974, 08840, 11554, 11582, 11589 and 16518 seeks confirmation of a use right to the claimed property.

8. The Commission notes that the five claims identified in parts A and B of the attached Schedule as well as Claim No. 11220 referred to part D of the attached Schedule are uncontested in the sense that at the time the claimed properties were notified there was no evidence of illegal occupation or use of these properties by any person or, even if there was such evidence, no party has contested the validity of the claim within the 30-day period prescribed in section 10.2 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, or at any later stage during the proceedings, pursuant to section 10.3 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. Based on the information provided by the Executive Secretariat, the Commission is satisfied that the Executive Secretariat has made reasonable efforts to notify the claimed properties, the persons who maybe currently occupying the properties, and any other persons who may have a legal interest in such properties, as required by section 10.1 of UNMIK/REG/2006/50 and section 10.1 of Law No. 03/L-079. Accordingly these claims must be considered uncontested.

9. The Commission further notes that the fourteen claims identified in parts C, D and E of the attached Schedule except for Claim No. 11220, are contested in the sense that the party occupying the claimed properties, or a party that has expressed a legal interest in such properties (the "Respondent"), has contested the validity of the claim within the 30-day period prescribed in section 10.2 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, or at a later stage during the proceedings, pursuant to section 10.3 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. Pursuant to section 10 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, each of the Respondents has been provided with a copy of the claim

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<sup>1</sup>There appears to be a technical error in Annex I. While Annex I clearly appears to be intended to replace UNMIK/ADM/DIR/2007/5 in its entirety, including all its three annexes, Article 26 of Annex I provides that the title of Annex III of UNMIK/ADM/DIR/2007/5 shall be replaced by a title referring to Annex II. However, there is neither specific provision nor any other indication in Law 03/L-079 or its Annexes that the intention of this particular amendment was to delete Annex I or Annex II of UNMIK/ADM/DIR/2007/5. Accordingly the Commission considers that all three Annexes of UNMIK/ADM/DIR/2007/5 are included in the legislative package and will be referred to by the Commission in this decision as Sub-Annexes I, II and III, respectively.

submitted by the respective claimant. In accordance with section 3.5 of Annex II to UNMIK/AD/2007/5 as adopted by Law No. 03/L-079, the claimants have been provided with a copy of the documents submitted by the respective Respondent in response to the claim. Both parties in each case have thus been given an opportunity to comment on the information provided by the other party, and any such comment or information has been taken into account during the processing and adjudication of the claim.

*1. Uncontested claims granted*

10. The Commission notes that in the claims identified in parts A and B of the attached Schedule, the claimants have submitted various types of documents in support of the ownership claims, including inheritance decisions, possession lists, certificates for immovable property right, contracts on sale and allocation decisions. The Commission is satisfied that inheritance decisions confirming an ownership interest indeed constitute proof of ownership. The other documents submitted by claimants including contracts involving property transactions, create a rebuttable presumption of ownership. No evidence has been received or obtained by the Secretariat *ex officio* which would rebut the presumption of ownership. Consequently the Commission is satisfied that the documents submitted prove the claimants' ownership over the claimed properties. The documents have been verified as being valid by the Executive Secretariat, as relevant.

*a. Claim No. 00057*

11. In Claim No. 00057, referred to in part B of the attached Schedule, the Claimant submitted the claim in his capacity as the property right holder of the claimed property, namely a garage. The Claimant seeks confirmation of a right of use over the claimed property and repossession. In support of his claim, the Claimant submitted various documents, including a contract on use dated 20 September 1988. In light of the Commission's findings in paragraph 10 above, the Claimant's claim stands to be granted.

*b. Claim Nos. 10000 and 10024*

12. In Claim Nos. 10000 and 10024, referred to in part A of the attached Schedule, the Claimants have filed the claim in the capacity of the property right holder. The Claimants seek confirmation of ownership over the claimed property and repossession. In light of the Commission's findings in paragraph 10 above, these claims stand to be granted.

*c. Claim No. 13140*

13. In Claim No. 13140, referred to in part A of the attached Schedule, the Claimant has filed the claim in his capacity of a family household member of the property right holder pursuant to section 1.2 of Annex II of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079. Section 1 of the Administrative Direction as adopted by Law No. 03/L-079 defines "Member of Family Household" to include "the spouse, children (born in and out of wedlock or adopted) and other persons whom the property right holder is obliged to support in accordance with the applicable law, or the persons who are obliged to support the property right holder in accordance with the applicable law, regardless of whether or not that person resided in the property together with the property right holder." The Claimant, who is the brother of the alleged property right holder, falls within the definition of family household member. Accordingly, in light of the Commission's findings in paragraph 10 above, the claim stands to be granted.

2. *Contested claims granted*

a. *Claim No. 01135*

14. In Claim No. 01135, referred to in part C of the attached Schedule, the Claimant submitted the claim in his capacity as the property right holder. The Claimant asserts that he purchased the claimed property (a shop) from the Yugoslav National Army in January 1999. Pursuant to the purchase contract, which has been positively verified by the Executive Secretariat, the Claimant acquired ownership over the claimed commercial premises and a permanent use right over the underlying land, while the ownership of the underlying land remains with the Yugoslav National Army. The Claimant used the claimed property until September 1999, when he was forced to leave the property by unknown persons.

15. The Respondent to the claim who currently occupies the claimed property is the non-governmental organization "Nënë Tereza." The authorized representative of the Respondent contests the property right of the Claimant over the claimed property considering the claimed property as state owned. However, the Respondent failed to identify or submit any evidence in support of this assertion.

16. Based on the evidence before it, the Commission grants the Claimant's claim for ownership over the claimed commercial premises (the shop) and his use right over the underlying land.

b. *Claim No. 16127*

17. In Claim No. 16127, referred to in part C of the attached Schedule, the Claimant submitted the claim in his capacity as the property right holder. He asserts that in 1972 he acquired an occupancy right over an apartment and a garage. The present claim concerns the garage. In 1989 the Claimant's employer, the socially owned enterprise PIK Kosovo-Export, exchanged the originally allocated apartment with a larger apartment from the Public Housing Enterprise. The larger apartment was then allocated to the Claimant. However, the garage, which is the subject of the present claim, was not part of this exchange and remained in the possession of the Claimant. In 1993 the Claimant privatized the apartment and the garage. In support of his allegations, the Claimant produced a contract on use for the garage dated 19 October 1972 and a purchase contract for an apartment and the garage dated 24 June 1993. Both documents were found to be genuine by the Executive Secretariat.

18. The Respondent who is currently using the claimed property asserts that he purchased the claimed property from a third party in 2005. In support of his allegation he provided a contract on sale of an apartment that is not related to the claimed property. The said contract does not mention the garage as being part of the transaction. The Respondent did not submit any other evidence to support his alleged right over the claimed property.

19. Based on the evidence before it, the Claimant's claim for ownership over the claimed garage stands to be granted.

3. *Claims dismissed or refused*

20. In order to satisfy the requirements for a valid claim, the claimant or the property right holder, as the case may be, must show that he or she had an ownership right in respect of the claimed property, and that he or she is not now able to exercise his or her property right due to

the circumstances directly relating to or resulting from the armed conflict that occurred in Kosovo between 27 February 1998 and 20 June 1999.

21. Pursuant to section 11.4 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission shall dismiss the whole or part of a claim where:

- (a) The claimant has failed to file a complete claim in accordance with the procedures set out in the Regulation;
- (b) The claim is not within the scope of jurisdiction of the KPA; and
- (c) The claim has previously been considered and decided in a final administrative or judicial decision.

22. Section 8.6 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079 provides the Commission with the power to dismiss or refuse a claim on any ground, including those set down in section 11.4 of UNMIK Regulation 2006/50 as adopted by Law No. 03/L-079.

23. Claims which are dismissed as falling outside the Commission's jurisdiction or for procedural reasons and not on account of the merits of the claim, may be capable of resolution through the local courts, subject to the applicable law. In such claims the Commission's decision does not constitute a *res judicata*. Section 3.2 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079 confirms the claimants' right to pursue before courts of competent jurisdiction claims that do not fall within the mandate of the Commission, as set out in section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. (See also section 8.1 of Annex III of UNMIK/ADM/DIR/2007/5 concerning the Commission's authority to refer issues arising in connection with a claim which are not within its jurisdiction, to a competent local court or administrative board or tribunal.)

24. Pursuant to section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the jurisdiction of the Commission is limited to property claims that are conflict-related in the sense that they involve circumstances directly related to or resulting from the armed conflict that occurred between 27 February 1998 and 20 June 1999, where the claimant is not now able to exercise such property rights. In order to establish whether or not a claim falls within its jurisdiction, the Commission must determine whether the claimant or the property right holder, as the case may be, has been displaced from the claimed property, or has lost possession or control over such property, as a consequence of the conflict. The Commission must also establish whether or not the claimant or the property right holder, as the case may be, is now able to exercise his or her rights over the claimed property.

*a. Claim Nos. 00034 and 00066*

25. In Claim No. 00034, referred to in part D of the attached Schedule, the Claimant lodged the claim in his capacity as the property right holder. He asserts that he purchased the claimed property, namely a shop, in 2005. The Respondent who is currently using the premises claims that his son purchased the claimed property in 2006 from a third party. On 4 November 2005, the Claimant initiated a lawsuit in the Municipal Court of Prishtinë/Priština to have his ownership right over the claimed property confirmed by the Court.

26. In Claim No. 00066, referred to in part D of the attached Schedule, the Claimant filed the claim in his capacity as the property right holder. The Claimant alleges that he purchased the claimed property in 1990 from Vehbi Kurtalini, who according to the Claimant sold the same property to Ahmet Demiri in 1991. The latter then took possession of the claimed property. The Respondent who is currently using the property alleges that he purchased the

claimed property in 2001 from Ahmet Demiri. The Claimant states that in 2002 he filed a lawsuit with the Municipal Court of Gjilane/Gnjilane, seeking the confirmation of his ownership right.

27. Pursuant to Section 18 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission's jurisdiction is excluded if judicial proceedings in respect of the claim have been commenced prior to 16 October 2006, the date on which UNMIK/REG/2006/50 entered into force. Since in Claim Nos. 00034 and 00066 judicial proceedings in respect of the claimed property were commenced by the Claimants in 2005 and 2002 respectively, the claims are not within the jurisdiction of the Commission and stand to be dismissed.

*b. Claim No. 00064*

28. Claim No. 00064, referred to in part D of the attached Schedule, was submitted by the Claimant in his capacity of a family household member of the alleged property right holder, namely his father. The Claimant alleges that his father was the owner of the claimed property, and that it was expropriated from him in 1969. The Claimant does not claim that he lost possession of the claimed property as a result of the circumstances directly related to or resulting from the 1998-1999 conflict. Accordingly, the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*c. Claim No. 00086*

29. Claim No. 00086, referred to in part D of the attached Schedule, was filed by the authorized representative of the Claimant. The Claimant is the enterprise "Jadroagent" who seeks confirmation of ownership and repossession. The Claimant's representative alleges that in 1977 the property was exchanged with another property previously owned by the Claimant through a contract on exchange with the Post and Telecommunication Kosovo ("PTK"). The Respondent who is currently using the property claims that she purchased the property from the PTK in 1999.

30. In 2001 the Claimant filed a lawsuit before the Municipal Court in Prishtinë/Priština seeking the confirmation of the ownership right and repossession. With judgement of 2 April 2002 the Court confirmed the Claimant's property right and issued an eviction order. This decision became powerful on 4 September 2002.

31. Pursuant to section 11.4 of UNMIK/REG/2006/50, as adopted by Law No. 03/L-079, the Commission may dismiss a claim which has previously been considered and decided in a final administrative or judicial decision. The Commission considers that the judgment of the Municipal Court in Prishtinë/Priština constitutes *res judicata*, and accordingly the claim stands to be dismissed.

*d. Claim No. 00121*

32. The Claimant submitted Claim No. 00121, referred to in part D of the attached Schedule, in his capacity as the property right holder. The Claimant claims that he purchased the claimed property, namely office premises, in 2005. The Respondent who is currently using the property was already in possession of the property at the time and never gave up possession. The Respondent alleges a legal right to the claimed property but failed to substantiate the alleged property right or to produce any evidence in support thereof.

33. The Commission notes that the Claimant's claim does not arise out of the circumstances directly related to the 1998-99 conflict. Accordingly the claim falls outside the jurisdiction of the Commission and stands to be dismissed.

*e. Claim No. 00974*

34. The Claimant submitted Claim No. 00974, referred to in part D of the attached Schedule, in her capacity as the property right holder. She alleges that she had a use right over the claimed property, namely office premises. The Respondent who is the current user of the property claims that he has been the rightful tenant of the property since 2007.

35. The Commission notes that according to the documentation submitted by the Claimant in support of her claim, her temporary use right over the claimed property expired on 28 September 1999, with one extension of three months from 1 October 1999 until 31 December 1999. The Claimant left Kosovo in 2000 as a result of the conflict. The Commission considers that the Claimant did not lose possession of the claimed property as a result of the conflict but rather due to the expiry of the term of the lease. The claim thus falls outside the Commission's jurisdiction and stands to be dismissed.

*f. Claim Nos. 08840, 16518 and 33936*

36. In Claim No. 08840, referred to in part D of the attached Schedule, the Claimant submitted the claim in his capacity as the property right holder. In support of his claim the Claimant produced an allocation decision from 1989 which granted him a temporary right of use over the claimed property and the permission to construct a temporary moveable structure for commercial purposes.

37. In Claim No. 16518, referred to in part D of the attached Schedule, the Claimant submitted the claim in his capacity as the property right holder. The Claimant produced in support of his claim an allocation decision from 1978 granting him the temporary right of use over the claimed property and the permission to construct a temporary moveable structure for commercial purposes.

38. Claim No. 33936, referred to in part D of the attached Schedule, has been submitted by the Claimant in his capacity as the property right holder. The Claimant claims to have a right of use over the claimed commercial premises, namely a shop, of which he allegedly lost possession due to the conflict. The Claimant states that the shop is illegally occupied by an unknown person. The Claimant has submitted as evidence an allocation agreement between the Claimant and the enterprise "SLLOGA" dated 22 August 1994, granting him a permission to establish a temporary structure for commercial purposes over the land parcel.

39. Under section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission's jurisdiction is limited to claims for repossession of private immovable property, including agricultural and commercial property. Given that the Claimants in Claim Nos. 08840, 16518 and 33936 only acquired temporary use rights over the claimed properties, and were only authorized to build a temporary structure on the properties, the Commission considers that the claimed properties relate to moveable property rather than to private immovable property. Accordingly, the claims stand to be dismissed. The Commission's decision is without prejudice to any right that the Claimants may have to seek compensation before local courts for any investments they may have made to the claimed properties or the resulting increase in their value.



*g. Claim No. 11220*

40. Claim No. 11220, referred to in part D of the attached Schedule, has been submitted by the Claimant in his capacity as the property right holder. The Claimant claims to be the owner of the claimed property, namely a warehouse, of which he allegedly lost possession in 1999 due to the 1998-99 conflict. However, the Claimant later advised the Executive Secretariat that he had sold the claimed property. The fact that the Claimant has been able to dispose of the claimed property voluntarily shows that he has been in a position to exercise his property right within the meaning of section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079. Accordingly the claim stands to be dismissed.

*h. Claim No. 11554*

41. Claim No. 11554, referred to in part E of the attached Schedule, has been initially submitted by the Claimant in his capacity as the property right holder. The Claimant passed away in March 2010. The spouse of the deceased Claimant indicated an interest to participate in the proceeding in her capacity as family household member.

42. The Respondent who is currently in possession of the property alleges that he is using it with the permission of the third party Avdullah Pupi and the Claimant. The Claimant denied that the Respondent is using the property with his consent and accordingly the claim is being considered as contested.

43. The Claimant alleged that he and a third party, Avdullah Pupi, were co-owners of a catering business established in 1976 and the business premises located in the claimed property. The Claimant contends that he contributed DM 30,000 to Mr Pupi for the premises and thus became a co-owner. In support of his claim, the Claimant produced as evidence an administrative decision issued by the Municipality of Prishtinë/Priština dated 22 June 1976. The decision permitted Avdullah Pupi to conduct a business on the claimed property. However, the Executive Secretariat was unable to verify the document as being genuine. The Claimant also submitted a contract on lease between the Municipality of Prishtinë/Priština and Avdullah Pupi entitling Avdullah Pupi to use the claimed property and to build a temporary business premises thereon. While this document has been verified by the Executive Secretariat as being genuine, it only proves Avdullah Pupi's right over the claimed property, but does not establish any right for the Claimant. The Claimant also produced an administrative decision on tax allocation which refers indeed to a business maintained by the Claimant. However, the location of the business is not specified in this decision and accordingly the decision has no evidentiary value for the present purposes. The Executive Secretariat also obtained *ex officio* a possession list dated 13 July 2011 for the claimed property which shows that the claimed property is being listed as socially owned. The document does not indicate any right of the Claimant to the claimed property.

44. The Commission notes that none of the documents which had been submitted by the Claimant or obtained by the Executive Secretary and presented to the Commission establishes any property right for the Claimant over the claimed property.

45. In light of the evidence before it, the Commission finds that the Claimant has failed to establish any property right to the claimed property. Accordingly the claim stands to be refused.

*i. Claim Nos. 11582 and 11589*

46. Claim Nos. 11582 and 11589, referred to in part D of the attached Schedule, were both submitted by an authorized representative of the Claimants who are both claiming in their capacity as the property right holder. The Claimants claim to have a use right over the claimed properties, namely shops, as they both allegedly had rental agreements with the socially owned enterprise "Kosovotrans." The authorized representative submitted rental agreements with regard to the claimed properties between the respective Claimant and the enterprise. However, the Executive Secretariat was unable to verify these documents. Moreover, according to the rental agreements, the rental term in Claim No. 11582 expired on 10 July 2000 and in Claim No. 11589 on 1 August 1999, respectively. The Respondent is the socially owned enterprise "Kosovotrans." The enterprise is currently under administration of the Privatization Agency of Kosovo. The authorized representative states that the rental agreements have expired, and since they have not been renewed, the Claimants have no property right.

47. The Commission concludes that the Claimants have failed to establish a current property right over the claimed properties. Accordingly the claims stand to be refused.

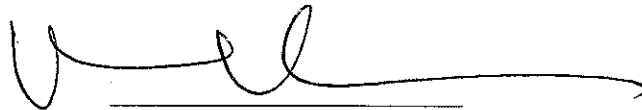
*B. Claims for compensation*

48. In Claim No. 10024 the Claimants also seek, in addition to ownership and use right, compensation for physical damage to, or for loss of use of, the claimed property or for the loss of inventory and loss of rent due to unlawful occupation. Under UNMIK/REG/2006/50 as adopted by Law No. 03/L-079 the Commission has no jurisdiction over such claims. Accordingly these claims must be dismissed.

*C. Concluding remarks*

49. The Commission's decision and order also apply, where appropriate, to any associated property, *i.e.* any buildings or other constructions owned or used by the claimant or the property right holder, as the case may be, which form a unit with the claimed property.

50. Section 8.8 of Annex III of UNMIK/ADM/DIR/2007/5 as adopted by Law No. 03/L-079 allows the Chairperson of the Commission to sign a cover decision approving all individual claims identified in the cover decision, if the number of claims decided in a session is high. The Commission considers that this is appropriate in the present case.



Chairperson

**APPEALS**

UNMIK/REG/2006/50 and the Law No. 03/L-79 provide that:

12.1 Within thirty (30) days of the notification to the parties by the Kosovo Property Agency of a decision of the Commission on a claim, a party may submit through the Executive Secretariat of the Kosovo Property Agency to the Supreme Court of Kosovo an appeal against such decision.

12.3 The appeal may be filed on the grounds that:

- (a) The decision involves a fundamental error or serious misapplication of the applicable material or procedural law; or
- (b) The decision rests upon an erroneous or incomplete determination of the facts.

Information on the appeals procedures is contained in the separate Appeals Information Sheet provided to parties with this decision.

**\* The English version is the official of all Property Claims Commission decisions. In case of conflict between the English language version and the Albanian or Serbian language version, then the meaning in the English language shall prevail.**

Spreadsheet /Lista /Prilog  
Part A/Pjesa A/Deo A

KPA10000
KPA10024
KPA13140

Spreadsheet /Lista /Prilog  
Part B/Pjesa B/Deo B

KPA00057
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Spreadsheet /Lista /Prilog  
Part C/Pjesa C/Deo C

KPA01135
KPA16127

Spreadsheet /Lista /Prilog  
Part D/Pjesa D/Deo D

KPA11220	KPA00034	KPA00066	KPA00121	KPA11582	KPA11589	KPA33936
KPA00064	KPA00086	KPA00974	KPA08840	KPA16518		

Spreadsheet /Lista /Prilog  
Part E/Pjesa E/Deo E

KPA11554						
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