



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/176/2012

Commissioners Heiskanen (Chairperson),
Vokshi and Wühler

DECISION DATE:

24/10/2012

ORDER

(1) In the 13 (thirteen) claims identified in parts A and B 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 each of the 13 (thirteen) claims identified in paragraph (1), the Commission

orders that

(a) The claimant or the property right holder, as the case may be, be given possession of the claimed property or be given possession of the associated land parcel on which the commercial property stood, as the case may be;

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

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

(3) The Commission additionally decides that Claim No. 25094 be dismissed insofar as the Claimant seeks compensation for damage to the claimed property.

(4) In the 27 (twenty-seven) claims identified in parts C and D of the attached Schedule, the Commission decides that the claim be dismissed.

- (5) *In Claim Nos. 13399, 13400 and 13401, referred to in part E of the attached Schedule, the Commission decides that the claim be refused.*
- (6) *In cases in which there is more than one owner, the above decisions and order do not affect the rights of any respective co-owners.*

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.)¹

5. The Commission held its thirty-first session from 22 to 24 October 2012 in Prishtinë/Priština. A total of 64 commercial property claims were submitted by the Executive Secretariat of the KPA (the "Executive Secretariat") to the Commission at its thirty-first session, together with supporting documentation, claims processing reports, verification reports and other relevant information. One claim which has been presented to the Commission was withdrawn by the Executive Secretariat during the session, and one claim which had been presented to the Commission was referred by the Commission back to the Executive Secretariat. In sum, a total of 62 commercial property claims were resolved by the Commission during the session.

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 covers the 43 claims for commercial property listed in parts A, B, C, D and E of the attached Schedule. The remaining nineteen commercial property claims are covered by decision KPCC/D/C/177/2012. The present decision deals with claims for commercial properties which, at the time of their notification, were not damaged or, even if damaged, capable of repair, whereas decision KPCC/D/C/177/2012 deals with claims for commercial properties which found to be entirely destroyed.

8. In each of these claims, except for Claim Nos. 00171, 00307, 01474, 11570 and 11572, the claimant seeks the resolution of an ownership claim. In Claim Nos. 00171, 00307, 01474, 11570 and 11572 the Claimant seeks confirmation of a use right to the claimed property.

9. The Commission notes that the 36 claims identified in parts A, C and E 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.

¹There 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.

10. The Commission further notes that the seven claims identified in parts B and D 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 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 evidence and 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.

I. Uncontested claims – granted

11. The Commission notes that in the twelve claims identified in part A 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. Many claimants have also submitted additional supporting documents, including tax decisions, witness statements, copies of plans and cadastral decisions.

12. In Claim Nos. 10018, 10028, 10681, 13542, 17917, 17918 and 25094, referred to in part A of the attached Schedule, the Claimants have filed the claim in the capacity of the property right holder. In light of the Commission’s findings in paragraph eleven above, all of these claims stand to be granted.

13. In Claim Nos. 08509, 92734, 92735 and 92736, referred to in part A of the attached Schedule, the Claimants have filed the claim in the 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 Commission has determined that, under the applicable law, this definition covers, in addition to spouses and children, parents, brothers, sisters, grandparents and grandchildren of the property right holder. All of the claimants fall within the definition of family household member. Accordingly a decision confirming the property right in favour of the property right holder also stands to be granted in each of these claims as set out above.

II. Contested claims – granted

14. In the two claims identified in part B of the attached Schedule, the party occupying the claimed property, or a party that has expressed a legal interest in such property (the “Respondent”), has contested the validity of the claim, however, the Commission has reached the conclusion that the claims stand to be granted for the reason set out below.

15. In Claim Nos. 53752 and 53753 the Claimant filed the claim in her capacity as the alleged property right holder. In support of the claims, the Claimant submitted *inter alia* a judgement on divorce from 1996 and a court settlement from 1997, concluded before the Municipal Court between the Claimant and her former husband, on division of property acquired during their marriage. The court settlement lists the claimed properties (two shops) in the name of the Claimant. Both documents have been verified by the Executive Secretariat as being genuine.

16. The Respondent asserts that he has purchased the claimed properties from the Claimant’s husband in 2006. In support of his assertion, the Respondent submitted a positively verified purchase contract from 2006 concluded between the Respondent and the Claimant’s husband. However, the submitted purchase contract does not relate to the claimed properties. The Respondent has not submitted any further evidence in support of his assertion.

17. Based on the evidence before it, and in the absence of any valid defense on the part of the Respondent, the Commission finds that the claims stand to be granted.

III. Claims dismissed

18. 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.

19. 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).

20. 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.

1. *Claim Nos. 00171, 00186, 00297, 00307, 33932 and 47464*

21. Claim Nos. 00171, 00186, 00297, 00307, 33932 and 47464, referred to in part C and D of the attached Schedule, have been filed by the Claimant in their capacity as the alleged property right holder either in person or through an authorized natural person or as the case may be in their capacity as a family household member of the property right holder. Claim Nos. 00171, 00186, 00297 and 00307, referred in part C of the attached Schedule, are uncontested, and Claim Nos. 33932 and 47464, referred to in part D of the attached Schedule, are contested in the sense that the party occupying the claimed property, or a party that has expressed a legal interest in such property, submitted a defense in response to the claim.

22. In all of these claims the Commission finds, on the basis of the evidence before it, that the respective property right holder acquired only a temporary use right over the claimed property and was therefore only authorized to build a moveable structure on the claimed properties. Accordingly, all of these claims relate to moveable property rather than to private immovable property. Pursuant to 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 commercial property. Accordingly, these 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 in the claimed properties or the resulting increase in their value.

2. *Claim Nos. 10013, 15120, 25863 and 35390*

23. Claim Nos. 10013, 15120, 25863 and 35390, referred to in part C and D of the attached Schedule, have been filed by the Claimant in their capacity as the alleged property right holder either in person or through an authorized natural person or as the case may be in their capacity as a family household member of the property right holder. Claim Nos. 11013, 25863 and 35390, referred in part C of the attached Schedule, are uncontested. Claim No. 15120, referred to in part D of the attached Schedule, is contested in the sense that the Respondent has expressed a legal interest in the claimed property and submitted a defense in response to the claim, stating that he purchased the claimed property from the Respondent.

24. In support of their claims, the Claimants have submitted various types of evidence. However, the Executive Secretariat in all these claims has also received further evidence, either submitted by the Claimant and verified by the Executive Secretariat, or obtained by the Executive Secretariat *ex officio* and confirmed by the Claimant, the alleged property right holder or a family household member of the alleged property right holder, showing that the claimed properties have been sold to a third party after the conflict based on a valid contract on sale.

25. The Commission concludes that the Claimants or the property right holders as the case may be did not lose possession as a result of the 1998-1999 conflict, but as a result of a voluntary sale after the conflict, which shows that they are now able to exercise their property rights. Accordingly, the claims fall outside the Commission's jurisdiction and stand to be dismissed.

3. *Claim Nos. 34311 and 34343*

26. Claim Nos. 34311 and 34343 have been filed by the Claimants in their capacity as a family household member of the property right holder. Both claims are contested in the sense that the party occupying the claimed property or a party that has expressed a legal interest in such property submitted a defense in response to the claim. In support of their claims, the Claimants have submitted various types of documents.

27. The Commission notes however that in both claims evidence was either submitted by the Claimant or was obtained by the Executive Secretariat *ex officio*, showing that the alleged property right holder filed prior to 16 October 2006 a lawsuit with a competent court seeking the confirmation of his ownership over the claimed property. 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. Accordingly, the claims stand to be dismissed.

4. *Claim No. 01474*

28. Claim No. 01474 has been filed by the Claimant in his capacity as the property right holder of the claimed property. The Claimant seeks the confirmation of a use right over the claimed property and repossession. In support of his claim, the Claimant submitted various types of documents including a positively verified lease agreement over the claimed property. However the lease agreement was only concluded in 2000 and the Claimant subsequently confirmed that the claimed property was not in his possession before this date, thus acknowledging that the alleged loss of the claimed property cannot be related to the 1998-1999 conflict. Accordingly, the claim stands to be dismissed.

5. *Claim No. 10679*

29. Claim No. 10679 has been lodged by the Claimant in his capacity as the property right holder. The Claimant seeks the confirmation of his alleged ownership right over the claimed property and repossession. In support of his claim, the Claimant submitted various types of documents including a certificate for immovable rights from 2010, which however lists a third party as the owner of the claimed property. The Executive Secretariat tried to contact the Claimant for further clarifications, however the Claimant's son confirmed, that the Claimant had passed away in the meantime. The Claimant's son explained that his father lived in Germany since 1985, and that when he returned to the claimed property after the 1998-1999 conflict, the claimed property has not been unlawfully occupied.

30. In these circumstances, the Commission finds that there has been no loss of possession or inability to exercise property rights over the claimed property as a result of the 1998-99 conflict. Consequently the claim stands to be dismissed for lack of jurisdiction

6. *Claim No. 11743*

31. Claim No. 11743 has been lodged by the Claimant in his capacity as the property right holder. The Claimant seeks the confirmation of his alleged ownership right over the claimed property and repossession. The Claimant states that the Municipality of Klina/Kline has been occupying the claimed property since the 1970s. In support of his claim, the Claimant submitted various types of documents related to the claimed property including a verified decision on expropriation from 1977 issued by the Municipality of Klina/Kline.

32. The Commission concludes, on the basis of the evidence before it, that there has been no loss of possession or inability to exercise property rights over the claimed property as a result of the 1998-99 conflict. Consequently the claim stands to be dismissed for lack of jurisdiction.

7. *Claim No. 11555*

33. Claim No. 11555 has been lodged by the Claimant in his capacity as the property right holder. The Claimant seeks the confirmation of his alleged ownership right over the claimed property and repossession. The Claimant states that the Municipality of Rahovec has been occupying the claimed property since the 1960s. In support of his claim, the Claimant submitted various types of documents related to the claimed property including a decision on expropriation from 1965 by which the Municipality of Rahovec nationalized the claimed property.

34. The Commission finds that there has been no loss of possession or inability to exercise property rights over the claimed property as a result of the 1998-99 conflict. Consequently the claim stands to be dismissed for lack of jurisdiction.

8. *Claim Nos. 00942, 00943, 00944, 00945 and 00958*

35. Claim Nos. 00942, 00943, 00944, 00945 and 00958 have been filed by the Claimant in the name of the Socially Owned Enterprise "Mehanizacija" as the alleged property right holder (the "Enterprise"). The Claimant alleges that he is a duly authorized legal representative of the Enterprise in his capacity as director.

36. The Claimant submitted in support of this assertion numerous documents including a decision of the Commercial Court of Prishtinë/Pristina from 1998 which states that the Claimant in his capacity as director may represent the Enterprise without limitation during the term of his employment. The Claimant also submitted his employment contract with the Enterprise which extended from 1998 until 2003. There are no other documents submitted by the Claimant or obtained *ex officio* by the Executive Secretariat which establish that the Claimant renewed his employment with the Enterprise after 2003. Accordingly, there is no evidence before the Commission to establish that the Claimant is currently authorized to act on behalf of the Enterprise. The Claimant has not submitted any evidence to show that he himself enjoys any property right to the claimed property, nor has the Executive Secretariat obtained *ex officio* any such evidence.

37. Based on the evidence before it, the Commission finds that the Claimant lacks standing to claim on behalf of the alleged property right holder. Accordingly the claims stand to be dismissed.

9. *Claim No. 34271*

38. Claim No. 34271 has been filed by the Claimant in his capacity as a legal representative of the alleged property right holder, the Socially Owned Enterprise "Serbija Prevoz." The Claimant seeks the confirmation of the ownership right of the property right holder over the claimed property and repossession. The Claimant submitted in support of the claim numerous documents including a contract on joint construction from 1985 between the Public Housing Enterprise and the Socially Owned Enterprise "Serbija Prevoz" pursuant to which the latter acquired ownership over the claimed property. The contract has been verified by the Executive Secretariat as being genuine.

39. The Commission notes that the Claimant seeks confirmation of ownership right over a property that is socially owned and not private property. Pursuant to section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission's jurisdiction is limited to claims to private immovable property. Accordingly, the claim stands to be dismissed.

10. Claim No. 08029

40. Claim No. 08029 has been filed by the Claimant in his capacity as a legal representative of the alleged property right holder, the Socially Owned Enterprise "Lavotours." The Claimant seeks the confirmation of ownership right to the property right holder and repossession.

41. The Claimant submitted in support of the claim numerous documents including an administrative decision from 1974 and 1979 permitting the alleged property right holder to establish a business on the claimed property. The Commission notes, however, that the Executive Secretariat has been unable to verify these documents. The Commission also notes that the Claimant has submitted the claim on behalf of a Socially Owned Enterprise. Accordingly, the claim relates to socially owned property and not to private property. Pursuant to section 3.1 of UNMIK/REG/2006/50 as adopted by Law No. 03/L-079, the Commission's jurisdiction is limited to claims to private immovable property. Accordingly, the claim stands to be dismissed.

11. Claim No. 01044

42. Claim No. 01044 has been filed by the Claimant in his capacity as the property right holder. The Claimant seeks the confirmation of his ownership rights and repossession. The Claimant submitted in support of the claim numerous documents including an administrative decision from 2001 issued by the Socially Owned Enterprise "Trepça" pursuant to which the Claimant was granted a temporary use right over the claimed property.

43. The Commission notes that the Claimant acquired a temporary use right over the claimed property and was therefore only authorized to build a moveable structure thereon. Accordingly, the claim relates to moveable property and not to private immovable property. Pursuant to 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 commercial property. Accordingly, the claim stands to be dismissed as it falls outside the Commission's jurisdiction. The Commission's decision is without prejudice to any right that the Claimant may have to seek compensation before local courts for any investments he may have made in the claimed property or the resulting increase in their value.

12. Claim Nos. 11570, 11523 and 11572

44. Claim Nos. 11570, 11523 and 11572 have been lodged by the Claimants in their capacity as the property right holder. The Claimants assert to be entitled to a use right over a commercial structure (a shop), however, they only claim compensation for physical damage to the equipment and furniture belonging to the commercial structure, allegedly as a result of the 1998-99 conflict. Under UNMIK/REG/2006/50 as adopted by Law No. 03/L-079 the Commission has no jurisdiction over such compensation claims. Accordingly these claims must be dismissed.

IV. Claims refused

45. Claim Nos. 13399, 13400 and 13401 have been filed by the Claimant, namely the legal entity "Udarnik Commerce DOO," in its capacity as the alleged property right holder. The Claimant is represented by its duly authorized legal representative. The claim is uncontested. The Claimant seeks confirmation of ownership right over the claimed properties based on a positively verified contract on construction from 1997, concluded with the Public Housing Enterprise pursuant to which the Claimant as contractor assumed the contractual obligation to build the claimed properties for the Public Housing Enterprise against payment. The Claimant states that the construction was only partially completed at the time of the 1998-99 conflict.

46. The Commission notes that under Article 630 of the Law on Contracts and Torts and Article 6 of the Law on Construction on Investing Objects the contractor is merely entitled to payment for the construction works, but does not acquire any property rights over the construction or any part of the construction. Consequently, the Claimant's claims stand to be refused.

47. The Commission notes that the Claimant also seeks compensation for the unpaid works and invested materials in the claimed property. 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.

B. Claims for compensation

48. In Claim No. 25094, referred to in part A of the attached Schedule, Claim Nos. 00186, 10013, 11523, 115551, 1570, 11572, 15120 and 35390, referred to in part B of the attached Schedule. and Claim Nos. 13399, 13400 and 13401, referred to in part C of the attached Schedule, the Claimants also seek, in addition to ownership, compensation for physical damage to, or for loss of use of, the claimed property. 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.

The Supreme Court of Kosovo may levy court fees for the appeal procedures.

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

KPA08509	KPA17917	KPA17918	KPA13542	KPA25094	KPA92734	KPA92735
KPA92736	KPA10018	KPA10028	KPA10681			

Spreadsheet /Lista /Prilog

Part B/Pjesa B/Deo B

KPA53752
KPA53753

Spreadsheet /Lista /Prilog

Part C/Pjesa C/Deo C

KPA11572	KPA08029	KPA10679	KPA00171	KPA11523	KPA11555	KPA11570
KPA00186	KPA00297	KPA00307	KPA00942	KPA00943	KPA00944	KPA00945
KPA00958	KPA11743	KPA01474	KPA34271	KPA10013	KPA25863	KPA35390
KPA01044						

Spreadsheet /Lista /Prilog

Part D/Pjesa D/Deo D

KPA15120	KPA33932	KPA34311	KPA34343	KPA47464		
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Spreadsheet /Lista /Prilog

Part E/Pjesa E/Deo E

KPA13399
KPA13400
KPA13401