



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

Law No. 04/L-118

**ON AMENDING AND SUPPLEMENTING THE LAW NO.03/L-006 ON
CONTESTED PROCEDURE**

Assembly of Republic of Kosovo,

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

Approve:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO.03/L-006
ON CONTESTED PROCEDURE**

Article 1

In the whole text of the law, the term “**Public Prosecutor**” shall be replaced with term “**State Prosecutor**”.

Article 2

Article 6 of the basic law shall be reworded with the following text:

Article 6

6.1. The official languages shall be used on an equal basis in the contested procedure.

6.2. The Contested procedure proceeds in the official language of the court in accordance with law.

6.3. Any party and participant in the proceedings may use the official language of his or her choice.

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

Article 3

Article 12 of the basic law, after the word “**rule**” shall be added the text “**unless otherwise provided by this law**”.

Article 4

Article 118 of the basic law, paragraph 2, the word “**claimant**” shall be replaced with the word “**respondent**”.

Article 5

Article 144 of the basic law, paragraph 3, the word “**rejected**” shall be replaced with “**dismissed**”.

Article 6

Article 150 of the basic law and in the following text, the word “**contumacious**” shall be replaced with the text “**for disobedience**”.

Article 7

Article 153 of the basic law, after paragraph 2. new paragraph 3. shall be added with the following text:

3. If the time limit, prescribed by paragraph 1. of this Article has elapsed, the judge is obliged to include in the introductory part of the judgment the date when it is rendered.

Article 8

1. Article 190 of the basic law, paragraph 2. the word “**determines**” shall be replaced with “**shall determine**”.
2. Article 190 of the basic law, paragraph 3. the expression “**will determine**” shall be replaced with “**shall determine**”.

Article 9

Article 214 of the basic law shall be reworded with the following text:

Article 214

1. Revision can be presented on the following grounds:
 - a) essential violations of provisions of contested procedure under Article 182 paragraph 2 of this law in the first instance proceedings, except the ones foreseen by Article 182 paragraph 2, items f), h), i) and m);
 - b) essential violations of provisions of contested procedure under Article 182 paragraph 1 of this law in the procedure of second instance court;
 - c) erroneous application of the substantive law;
 - d) exceeding the scope of the statement of the claim by the second instance court.
2. Revision cannot be presented for erroneous or incomplete determination of the factual state.
3. Revision against judgment rendered in the second instance, which affirms a judgment based on admission, can be presented only on the grounds set out in paragraph 1, items a), b) and d) of this Article.
4. Revision against judgment in the second instance which affirms judgment in the first instance is not permitted for substantial violations of the provisions of contested procedure under paragraph 1, item a) of this Article, unless they are stated in the appeal or are dealt *ex officio* and the court of second instance of the court of revision.

Article 10

Article 216 of the basic law shall be reworded with the following text:

Article 216

In the revision the parties may only present new facts and propose new evidence that point out to a substantial violation of the provisions of contested procedure by the court of second instance and could not have presented or proposed in previous proceedings with no fault of theirs.

Article 11

Article 218 of the basic law, shall be reworded with the following text:

Article 218

1. A belated, impermissible or incomplete revision shall be dismissed by a ruling of the court of first instance without conducting a main hearing.
2. The revision is not permissible:
 - a) if it is presented by an unauthorized person;
 - b) a person who has withdrawn it;
 - c) a person who has no legal interest or is against a judgment;
 - d) not subject to revision according to the law.”

Article 12

Article 245 of the basic law, paragraph 3. the sentence **“the court with competence to decide on these legal remedies”** shall be replaced with **“the Supreme Court”**.

Article 13

Article 254 of the basic law, paragraph 1 after the word **“existence”** shall be added the phrase **“prior or current existence”**.

Article 14

Article 255 of the basic law, paragraph 5., the phrase **“in number 2”** shall be replaced with the word **“eventual”**.

Article 15

1. Article 256 of the basic law, paragraph 3, after the word **“another”** shall be added the text **“or the proceeding for its adjudication is different”**.

2. Article 256 of the basic law, paragraph 4., the phrase **“court economy”** shall be replaced with the phrase **“economization of court proceedings”**.

Article 16

Article 262 of the basic law, paragraph 3, after the word **“claim charge”** shall be added the phrase **“that has been submitted later”**.

Article 17

Article 269 of the basic law paragraph 1, at the end of a sentence shall be added new sentence **“In this case, however, the consent of all consolidated joint litigants is required for conclusion of judicial settlement or withdrawal of the claim”**.

Article 18

Article 277 of the basic law, item a) after the word **“procedural”** shall be deleted from the text of the law the sentence **“and does not have an authorized representative to the proceedings”**.

Article 19

Article 280 of the basic law, paragraph 4, the phrase **“with a proposal of the party”** shall be deleted from the text of the law.

Article 20

Article 290 of the basic law, the reference **“118”** shall be replaced with **“116.7”**.

Article 21

Article 356 of the basic law, after the word “**court**” shall be added the expression “*ex officio* or”.

Article 22

Article 357 of the basic law paragraph 3. shall be deleted from the text of the law.

Article 23

Article 364 of the basic law, paragraph 1. shall be reworded with the following text:

1. The expert shall submit his or her findings and opinion in writing to the court.

Article 24

Article 367 of the basic law, the text “**8 (eight) days**” shall be replaced with “**7 (seven) days**”.

Article 25

Article 465 of the basic law, paragraph 4. the reference “**Article 3**” shall be replaced with “**paragraph 3**”.

Article 26

After Article 510 of the basic law a new Article 511 shall be added:

Article 511 **Arbitration Procedure**

1. Arbitration procedure shall be regulated by a special law.
2. The recognition and enforcement of foreign arbitral awards shall be implemented in consistence with the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Article 27

1. Chapter XXXI and Articles 511 to 531 of the basic law shall be deleted from the text of the law.
2. Chapter XXXII of the basic law shall be renumbered with Chapter XXXI, whereas Articles 532 to 538 shall be renumbered with the following order, Articles 512 to 518.

Article 28 **Entry into force**

This Law shall enter into force fifteen (15) days after its approval in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-118
13 September 2012

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI