



UNMIK/DIR/2008/5
5 May 2008

ADMINISTRATIVE DIRECTION NO. 2008/5

**IMPLEMENTING UNMIK REGULATION NO. 2006/50 ON THE
RESOLUTION OF CLAIMS RELATING TO PRIVATE IMMOVABLE
PROPERTY, INCLUDING AGRICULTURAL AND COMMERCIAL
PROPERTY**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under sections 6.3 and 21 of United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 2006/50 of 16 October 2006 on the Resolution of Claims relating to Private Immovable Property, including Agricultural and Commercial Property, and

Taking into account Section 1 of UNMIK Regulation No. 2006/50 read in conjunction with Section 16 of UNMIK Regulation No. 2006/10 of 4 March 2006,

Recalling UNMIK Administrative Direction No. 2004/2 of 9 February 2004 implementing UNMIK Regulation No. 2000/49 on the Establishment of the Administrative Department of Public Utilities,

For the purpose of providing relief in respect of unsettled debts for public utilities services in respect of a property under the administration of the Kosovo Property Agency,

Hereby issues the following Administrative Direction:

Section 1
Definitions

“Debt” means the payments due for public utilities services provided for a property that is or has been under the administration of the Kosovo Property Agency that have accrued during all prior periods of occupancy by persons other than the property right holder of the property concerned and that are payable to the public utility services provider. This includes periods of illegal

occupancy and periods of legitimate occupancy by persons other than the property right holder under the rental scheme of the Kosovo Property Agency,

“Lease agreement” means an agreement between the Kosovo Property Agency on behalf of the property right holder and the occupant,

“Property” means any residential socially or publicly owned property; or private immovable property, including agricultural and commercial property,

“Property right” means any right of ownership of, lawful possession of, right of use of or occupancy right to property.

Section 2 Exemption

2.1. Where an unsettled debt for public utilities services exists involving a property that is or has been under the administration of the Kosovo Property Agency and this debt relates to a period of illegal occupancy or to a period of legitimate occupancy by a person other than the property right holder under the rental scheme of the Kosovo Property Agency, such unsettled debt shall not be chargeable to or collectible from a person who is determined by the Kosovo Property Agency to be the property right holder by the public utility provider, which may redirect it to the occupant upon the receipt from the Kosovo Property Agency of:

- (1) A decision of the Housing and Property Directorate, a decision of the Housing and Property Claims Commission, a decision of the Kosovo Property Agency, or a decision of the Kosovo Property Claims Commission which specifies the dates of occupancy by a person(s) other than the property right holder; or
- (2) A document from the Kosovo Property Agency that specifies the period when the property in question was under the administration of the Agency or occupied by a person other than the property right holder with a lease agreement under the Kosovo Property Agency Rental Scheme.

2.2 The Kosovo Property Agency shall provide any relevant information it may have to the public utility provider to enable it to identify the occupant responsible for unsettled debts in respect of the property in question.

Section 3
Entry into Force

This Administrative Direction shall enter into force on 5 May 2008.

A handwritten signature in black ink, consisting of a stylized 'J' followed by 'R' and a flourish.

Joachim Rücker
Special Representative of the Secretary-General