



UNMIK/DIR/2004/2
9 February 2004

ADMINISTRATIVE DIRECTION NO. 2004/2

**IMPLEMENTING UNMIK REGULATION NO. 2000/49
ON THE ESTABLISHMENT OF THE ADMINISTRATIVE
DEPARTMENT OF PUBLIC UTILITIES**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under section 5 of United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 2000/49 of 19 August 2000 on the Establishment of the Administrative Department of Public Utilities,

Taking into account UNMIK Regulation No. 2002/12 of 13 June 2002 on the Establishment of the Kosovo Trust Agency, whereby responsibility for administration and management oversight in respect of, *inter alia*, public enterprises providing public utilities services was given to the Kosovo Trust Agency,

Having promulgated UNMIK Administrative Direction No. 2002/19 of 20 September 2002 on Payment of Debts for Electricity Services implementing UNMIK Regulation No. 2000/49 on the Establishment of the Administrative Department of Public Utilities,

For the purpose of amending Section 7 of UNMIK Administrative Direction No. 2002/19 in order to make provision for relief in respect of electricity services debts accrued on premises of displaced registered Customers during periods of illegal occupancy,

Hereby issues the following Administrative Direction:

Section 1
Amendment

Effective as of the date on which the present Administrative Direction enters into force, section 7 of UNMIK Administrative Direction No. 2002/19 shall be amended by adding a new subsection 7.4 which reads as follows:

“7.4 If an unsettled Debt for electricity services has been accrued by an illegal occupant of a registered Customer’s premises during the period of illegal occupancy, such unsettled Debt shall not be charged to or collectible from the registered Customer by the Kosovo Energy Corporation (KEK), which may redirect it to the illegal occupant, upon the receipt of:

(a) A decision of the Housing and Property Directorate or Housing and Property Claims Commission, or a decision of a court of competent jurisdiction, which specifies the date of the final decision which restores possession of the premises to the registered Customer and orders the eviction of the illegal occupant; and a document from the Housing and Property Directorate which specifies the date on which the keys for the premises in question were delivered to the registered Customer; or

(b) A decision of the Special Needs Certification Authority (SNCA) which certifies that the registered Customer is entitled to the Debt forgiveness for the period of illegal occupancy. The SNCA shall review and decide the case upon application by a registered Customer who can demonstrate that s/he has been displaced and could not exercise rights to the premises during the alleged period of illegal occupancy but lacks the documentation referred to in paragraph (a) above. The SNCA shall deliver its decision to KEK in writing.”

Section 2 Compensation

Arrangements shall be made for compensation through budgetary resources of unrecoverable financial losses which may be incurred by KEK as a result of implementation of the present Administrative Direction.

Section 3 Entry into force

The present Administrative Direction shall enter into force on 9 February 2004.

Harri Holkeri
Special Representative of the Secretary-General