



UNMIK/REG/2004/45  
19 November 2004

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**REGULATION NO. 2004/45**

**AMENDING UNMIK REGULATION NO. 2003/13 ON THE  
TRANSFORMATION OF THE RIGHT OF USE TO SOCIALLY-OWNED  
IMMOVABLE PROPERTY**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Having promulgated UNMIK Regulation No. 2003/13 of 9 May 2003 on the Transformation of the Right of Use to Socially-owned Immovable Property,

Taking into account UNMIK Regulation No. 2002/12 of 13 June 2002 on the Establishment of the Kosovo Trust Agency,

For the purpose of facilitating the liquidation of land assets of Socially-owned Enterprises to attract investments for the benefit of the economy in Kosovo,

Hereby promulgates the following amendments to sections 2 and 10 of UNMIK Regulation No. 2003/13:

Section 1  
Amendments

As of the date of entry into force of the present Regulation,

A. Section 2.1 of UNMIK Regulation No. 2003/13 shall be amended to read:

“ 2.1 Subject to the limitations and restrictions set out in the present Regulation, any right of use to Property registered in the name of a Socially-owned Enterprise, which

- (i) is transferred to a subsidiary corporation of the Socially-owned Enterprise in accordance with section 8 of Regulation No. 2002/12, or
- (ii) relates to land assets that are included in the liquidation of a Socially-owned Enterprise in accordance with section 9 of Regulation No. 2002/12.

shall be transformed into a Leasehold upon transfer or liquidation. Such Leasehold shall include the right:

- (a) to possess and to use the Property subject to the Leasehold for any purpose not prohibited by the applicable law;
- (b) to freely effect Transfers of the Property subject to the Leasehold to third parties; and
- (c) to establish Encumbrances on the Property subject to the Leasehold to the benefit of third parties. “

B. Sections 10.1, 10.2 and 10.4 of UNMIK Regulation No. 2003/13 shall be amended to read:

“ 10.1 Because of the special status of employees in Socially-owned Enterprises in relation to these Enterprises and the impact that the privatisation will have on this status, such employees shall be entitled to a share of the proceeds from the privatisation on a priority basis. This share shall be 20 per cent of the proceeds from the sale of:

- (i) shares of a subsidiary corporation of a Socially-owned Enterprise that is privatised pursuant to section 8 of Regulation No. 2002/12.; or
- (ii) assets that are subject to the voluntary liquidation process pursuant to section 9 of Regulation No. 2002/12.

The amount shall be distributed for the benefit of eligible employees in accordance with this section.

10.2 The representative body of employees in the Socially-owned Enterprise concerned, in cooperation with the Federation of Independent Trade Unions of Kosovo, shall establish on a non-discriminatory basis and submit to the Agency a list of eligible employees entitled to receive payments pursuant to subsection 10.1. If a representative body of employees no longer exists, the Federation of Independent Trade Unions of Kosovo shall on the basis of documentary evidence establish on a non-discriminatory basis and submit to the Agency a list of eligible employees. The Agency shall review the list and make such adjustments as it deems necessary to ensure equitable access by all eligible employees to the funds to be distributed.

10.4 For the purpose of this section an employee shall be considered as eligible, if such employee is registered as an employee with the Socially-owned Enterprise at the time of privatisation or initiation of the liquidation procedure and is established to have been on the payroll of the enterprise for not less than three years. This requirement shall not preclude employees, who claim that they would have been so registered and employed, had they not been subjected to discrimination, from submitting a complaint to the Special Chamber pursuant to subsection 10.6. “

Section 2  
Entry into Force

The present Regulation shall enter into force on 19 November 2004.

Søren Jessen-Petersen  
Special Representative of the Secretary-General