



UNMIK/AD/2005/7
2 June 2005

ADMINISTRATIVE DIRECTION NO. 2005/7

**IMPLEMENTING UNMIK REGULATION NO. 2002/13 ON THE
ESTABLISHMENT OF A SPECIAL CHAMBER OF THE SUPREME COURT
OF KOSOVO ON KOSOVO TRUST AGENCY RELATED MATTERS**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under section 7 of United Nations Interim Mission in Kosovo (UNMIK) Regulation No. 2002/13 of 13 June 2002, On the Establishment of a Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters,

Having promulgated UNMIK Administrative Direction No.2003/13 of 11 June 2003, Implementing UNMIK Regulation 2002/13,

For the purpose of establishing transitional procedures staying the enforcement of court judgments and other awards against or relating to the assets and Enterprise "Trepca under UNMIK Administration" and associated Enterprises in view of impending UNMIK legislation to be promulgated on the restructuring of these Enterprises for the economic benefit of Kosovo,

With a view to preserve on an equitable basis the rightful entitlements of all legitimate creditors of the Enterprise "Trepca under UNMIK Administration" and associated Enterprises,

Hereby issues the following Administrative Direction:

Section 1
Scope of Application

This Administrative Direction sets forth a stay of all enforcement actions against all assets and Enterprises currently under the administrative authority and management of the Kosovo Trust Agency (KTA) and designated to be part of "Trepca under UNMIK Administration".

Section 2
Definitions and References

2.1 The definitions in section 3 of UNMIK Regulation No. 2002/12 and section 2 of UNMIK Regulation 2002/13 shall apply to this Administrative Direction.

2.2 For purposes of this Administrative Direction, the following additional definitions shall apply:

“Enforcement action” means any court order or other decision by a quasi judicial or administrative body aiming at seizing and selling property of a debtor including directing a bailiff or other officer to seize and sell such property;

“Stay of enforcement actions” means the halting, suspension and postponement of enforcement actions.

2.3 The headings in this Administrative Direction are included for convenience only and shall not affect the construction of this Administrative Direction.

2.4 Words denoting the singular shall include the plural and vice versa. Words denoting a gender shall include the other gender. Words denoting persons shall include bodies corporate, unincorporated associations and partnerships.

2.5 References to any form or document, including any UNMIK Regulation or Administrative Direction, shall refer to such form or document as amended, supplemented or replaced from time to time.

2.6 References to Annexes, Chapters, Sections and Sub-sections are references to Annexes, Chapters, Sections and Sub-sections of the present Administrative Direction.

Section 3
Stay of Enforcement

3.1 All enforcement actions directed against or in relation to assets or Enterprises that are under the administrative authority and management of the Kosovo Trust Agency and designated as part of Trepca under UNMIK Administration, which are based on judgments or other decisions issued by the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters or based on awards, judgments or other decisions issued by any other court, quasi judicial or administrative body shall be stayed for a period of three months from the date of this

Administrative Direction. The Special Representative of the Secretary-General may extend this stay of enforcement period by a subsequent legislative instrument.

3.2 Assets and Enterprises designated as part of Trepca under UNMIK Administration include but are not limited to the following:

(i) Mining Metallurgy Combine Trepca, Zvecan (RMHK Trepca -Rudarsko Metalurski Kombinat Trepca, Zvecan), commercial court registration Fi 881/89;

(ii) Socially-owned Enterprise Trepca Mines and Flotation, Stari Trg (DP Rudnici i Flotacija Stari Trg), commercial court registration number Fi 690/89;

(iii) Socially-owned Enterprise Mines and Flotation, Kisnica and Novo Brdo, Pristina (DP Rudnici i flotacija Kisnica i Novo Brdo, Pristina);

(iv) Socially-owned Enterprise Trepca Mines and Flotation Kopaonik, Leposavic (DP Trepca Rudnici i flotacija Kopaonik, Leposavic), commercial court registration Fi 804/89;

(v) Socially-owned Enterprise Lead Metallurgy, Zvecan (DP Metalurgija olova Zvecan), commercial court registration Fi 684/89;

(vi) Socially-owned Enterprise Zinc Metallurgy, Mitrovica (DP Metalurgija cinka, Mitrovica), commercial court registration Fi 983/90;

(vii) Socially-owned Enterprise Chemical Industry, Mitrovica (DP Hemijska industrija, Mitrovica);

(viii) Socially-owned Enterprise Trepca Battery Factory, Mitrovica DP Industrija akumulatora Trepca, Mitrovica), commercial court registration Fi 697/89;

(ix) Socially-owned Enterprise Trailer Factory, Mitrovica (DP Fabrika procesne oprema, Kosovska Mitrovica), commercial court registration Fi 683/89;

(x) Socially-owned Enterprise Trepca Energy, Zvecan (DP Trepca Energetika, Zvecan);

(xi) Socially-owned Enterprise Trepca Institute, Zvecan (DP Trepca Institut, Zvecan);

(xii) Socially-owned Enterprise Trepca Trans, Zvecan (DP Trepca Trans, Zvecan);

(xiii) Socially-owned Enterprise Electro - Auditing Center, Mitrovica (DP Elektro-racunarski centar, Mitrovica);

- (xiv) Socially-owned Enterprise Trepca Commerce, Mitrovica (DP Trepca Komerc, Mitrovica), commercial court registration Fi 669/89;
- (xv) Socially-owned Enterprise Trepca Standard, Mitrovica (DP Trepca Standard, Mitrovica), commercial court registration Fi 666/89;
- (xvi) SOE Factory for production of industrial batteries, Peje/Pec (DP za proizvodnju industrijskih baterija Peje/ Pec), commercial court registration Fi 27/83;
- (xvii) SOE Trepca Laboratory, Zvecan (DP Trepca Laboratorija, Zvecan), commercial court registration Fi 762/89;
- (xviii) Trepca Health Medicine Institute, Zvecan (Trepca Medicina rada, Zvecan);
- (xix) Trepca Bank - Financial Institution, Zvecan (Trepca Banka - Finansijska Institucija, Zvecan), commercial court registrations Fi 85/77 and Fi 705/89;
- (xx) Assets Property Insurance Protection, Zvecan (Zastita imovine, Zvecan).

Section 4
Effect of Stay on Period of Limitation

Any limitation period for enforcement actions which is running during the stay of enforcement under section 3 of the present Administrative Direction shall be considered extended for such period as the stay of enforcement lasts.

Section 5
Applicable Law

The present Administrative Direction shall supersede any provisions in the Applicable Law which may be inconsistent with it.

Section 7
Entry Into Force

The present Administrative Direction shall enter into force on 2 June 2005.

Søren Jessen-Petersen
Special Representative of the Secretary-General