



UNION INTERNATIONALE
DES HUISSIERS DE JUSTICE
ET OFFICIERS JUDICIAIRES
INTERNATIONAL ASSOCIATION
OF JUDICIAL OFFICERS

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Partner of the Global Forum on Law,
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*Membre observateur à la Conférence de La Haye
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Observer Member at the Hague Conference
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*Membre observateur permanent de la CEPEJ
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*Membre fondateur de l'Institut de droit européen
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Founding Member of the European Law Institute*

*Partenaire technique de l'OHADA
Technical Partner of the OHADA*

*Membre observateur auprès de l'UEMOA
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Directed to: H.E. Mr. Alban Kurti
Prime Minister of the Republic of Kosovo

Paris, 30 March 2023

Honored Prime Minister!

The Chamber of Private Enforcement Agents of Kosovo, one of our prominent members, has given us an overview of the current situation in Kosovo. They expressed their serious concern for the activity of private enforcement agents in Kosovo and the current state of the profession.

Being the representative of UIHJ (International Union of Judicial Officers) an organization with over 100-member associations from 98 countries, which is actually in terms of member countries one of the biggest associations of legal professionals in the world, we consider any concern that arises from UIHJ members. For some of years already, the Kosovo Chamber of Private Enforcement Agents attended as an observer our meetings and we were pleased that at the last UIHJ Congress in Dubai we were able to welcome the Kosovo Chamber as a full member.

We are closely following the developments related to the profession of enforcement agents in Kosovo already for many years, especially through our first vice-president, Mr. Jos Uitdehaag.

As a President of the Kosovo Chamber, Mr. Arben Gashi expressed the concerns of our Kosovar colleagues regarding the profession of private judicial enforcement agents, especially referring to some decisions and policies of the Ministry of Justice of Kosovo dealing with the enforcement service and our colleague-enforcement agents.

Our Kosovo colleagues informed us that currently, the situation has turned from worrying to alarming. In that respect, they refer especially to the reduction of enforcement fees, the amendments to the Law on Enforcement Procedure, the regulation of disciplinary issues, the suspension of enforcement agents without a decision or opinion of the Disciplinary Committee and, more general, the (lack of) cooperation between the Ministry of Justice and the Chamber.

UIHJ aims to assist or advise our member-countries in the legal reform of their enforcement system and the implementation of legal changes in practice. In that respect, our contribution is based on the international standards and principles on enforcement as they can be found in documents such as the recommendation 17/2003 of the Council of Europe and the 2009



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Guidelines on enforcement of CEPEJ (the Commission for the Efficiency of Justice). Further we use the overview of international standards and principles as collected by the UIHJ Scientific Council in the World Code on Enforcement.

Trust in the enforcement system among economic operators is essential. A poorly functioning enforcement system hampers economic activities and creates legal uncertainty for investors and citizens alike. The economic aspects of a good enforcement system should not be underestimated. For economic growth a vibrant and competitive business sector is necessary.

When those businesses are not able to collect their outstanding debts, a number of those businesses are forced into bankruptcy, and others must lay off employees or pass on costs to the consumers. Besides foreign investors will not likely invest in such a country. An inefficient system of enforcement has a detrimental impact on the country's economy.

Foremost the positive developments in the field of enforcement in Kosovo are the result of the work of the Kosovo Chamber and the responsible attitude of the Kosovar colleagues towards their profession.

It is our believe that the schedule of enforcement fees should reflect the general government policy towards improving market conditions and enforcement of contracts to attract foreign investors and improve the business climate. It should promote an efficient system of enforcement that disciplines debtors and prevents over-indebtedness.

It was a tendency of some countries in the Western Balkan region (Albania, North Macedonia) to also lower such tariffs. However, as we noticed, the effects were completely negative with regards to the quality of services and the efficiency of the enforcement services because of such reduction.

The said countries, after seeing the effects produced by the reduced enforcement tariffs, have started to review them in close cooperation with their respective Chambers.

UIHJ expresses its concerns that also in Kosovo the (unfounded) reduction of the enforcement fees will have similar effects; enforcement agents



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leaving the profession and staff being dismissed due to the reduction loss of office income and thus necessary savings. As an example, we may refer to North Macedonia where currently the necessary number of enforcement agents cannot be filled in.

The Chamber also expressed its concerns regarding the suspension of enforcement agents without an opinion or decision of the Disciplinary Committee. It is common that for such suspension, the Disciplinary Committee is asked for an opinion and that a preliminary suspension, at least, is followed by disciplinary proceedings to confirm the rightfulness of such suspension.

The Chamber also addressed us regarding the necessity to amend the Law on Enforcement Procedure. In their opinion, the Law needs a serious and professional revision. We are aware that our Kosovar colleagues have significantly increased their professionalism and can contribute a lot to such amendments. Also from our side, UIHJ is willing to provide its professional assistance in this revision process.

In 2021, the UIHJ admitted the Kosovar Chamber as an equal member, being the representative of the enforcement profession of Kosovo. We are truly concerned about the problems that have arisen in Kosovo. We do not want our Kosovo colleagues to be put in such a position where they are unable to exercise their profession.

UIHJ is ready to be the promoter and provider of legal solutions based on European principles and best practices. We can put at your disposal all the academic, scientific, even comparative statistical tools based on experiences from over 100 members. UIHJ further has long lasting relationships with international organizations such as the Council of Europe and the European Commission and, on a global scale, the World Bank, UNCITRAL, the International Monetary Fund, and the Hague Conference on Private International Law. We are an active member of these organizations and have participated and cooperated with these organizations in legal reform projects in the area of enforcement in numerous countries.



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UIHJ is at your disposal to discuss and provide solutions to the situation created.

Please accept, Excellency, my highest esteem and consideration.

Respectfully,

Marc Schmitz
President

cc.: Mr. Arben Gashi, president of the Kosovo Chamber of Private Enforcement Agents