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INTERNATIONAL JUDICIAL COOPERATION IN CIVIL MATTERS

1. Abstract

International judicial cooperation in civil matters”, represents a topic with special importance for the Kosovo jurisprudence, especially at the time when the Republic of Kosovo has started with the process of approximation and accession to the various institutions and mechanisms of the European Union (EU), as is the case with the Stabilization and Association Agreement, the process of accession in the Convention of Apostil, in the process of membership or the status of the observer in the Hague Conference for Private International Law etc., for the cases of juridical cooperation in the civil field, for the requests that derive from Kosovo, or from other countries for Kosovo. In this regard, the role of the court (courts) and the Department for Judicial International Cooperation (DJIC), within the Ministry of Justice of the Republic of Kosovo comes to attention, then the jurisdiction according to the Law on Contested Procedure (LCP) and competencies according to the Law on Arbitration, international conventions that regulate the issue of international judicial cooperation in civil matters such as: Convention of Lugano, Hague Convention, as well as some of the treaties, regulations or other most important acts of the EU, such as the Amsterdam treaty, Regulation of Brussels I, European Payment Ordinance, Regulation on handover of documents no.1393/2007, Regulation for cooperation between courts of the member countries for obtaining the evidence on civil and trade matters, etc., which regulate the aspects of the European procedural justice, respectively international juridical cooperation in the civil issues.

Key words: Legal assistance, recognition and execution of foreign judgments, judgment, convention, regulation, administrative instruction, the Department for International Judicial Cooperation, the State, the Court, etc.

2. 2. International juridical cooperation in civil matters

When we talk about international juridical cooperation in the civil field, we mainly think about the issues related to the recognition and execution of foreign court decisions or the equivalent.

Rigorously applied the principle of state sovereignty excludes the possibility that juridical acts of another country produce juridical effects in the territory of another country. Even though, especially now days in Europe, countries have the tendency of

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approximating their rights without the will to join them into one unique right⁹³, development of international relations, the need of ensuring normal economic and juridical traffic between different countries, the approximately same quality of the judicial bodies, on day-to-day basis they affirm the respect of legal acts of other countries more and more. In the first place, this issue refers to judicial decisions and the Arbitration, because these were and are main bodies that decide on juridical issues of the private juridical nature⁹⁴. Nevertheless the conclusion remains that the importance of a rule can only be measured by comparing it with other rules of law through a degree diversity and convergence that exists between legal rights⁹⁵.

Over all, normative sources of the procedural rights of the European Union (EU), are 3 basic treaties of the European Community. Naturally the EU treaty (Maastricht 1992), opened the way for expansion of jurisdiction over foreign cases regarding the community pillars⁹⁶.

So far, in Kosovo, there has been little information about execution procedures and sending of the documents out of the borders of Kosovo. Since the establishment of the Ministry of Justice in 2005, it has played an important role in civil juridical issues of Kosovo. So, since 2006, this Ministry has created its role in matters of international juridical cooperation, while the Department for International Juridical Cooperation, within this Ministry, was established in 2010.

As far as civil matters are concerned, the procedure for help and international juridical cooperation, is regulated according to the Administrative Directive for the procedures of international juridical help in criminal and civil matters, no. 2009/1-09. So, with the article 1 of this directive that defines the procedures for procedures of international juridical help in civil matters. Matters regarding procedures of international juridical help are also regulated through this directive which are addressed to other countries from the Republic of Kosovo as well as vice versa⁹⁷.

Nevertheless this administrative directive remains only a sublegal act through which the contours of the procedures which have to be implemented in cases of international juridical cooperation are set, because this matter has to be regulated with some legal act yet.

As laws which include within itself international legal aspects of cooperation in the civil field in the Republic of Kosovo, are as follows:

- Kosovo Law on Family;
- Law on authorial rights;

⁹³ Michel Fromont, "The biggest foreign systems of justice", Tirana, 2005, page 7.

⁹⁴ Faik Brestovci "The international civil procedural justice", Pristina, 2000, page171.

⁹⁵ Michel Fromont, "The biggest foreign systems of justice", Tirana, 2005, page7.

⁹⁶ Paolo Biavati, Michele Angelo Lupoi, Redi Nazim Shtino "The European Civil procedural justice", Geer, 2010, page39.

⁹⁷ View Administrative Directive, the procedures of international juridical help in criminal and civil matters, no. 2009/1-09, approved by the Ministry of Justice of the Republic of Kosovo.

- Law on liquidation and reorganization of legal entities;
- Law on Arbitration;
- Law on mortgages;
- Law on business organizations;
- Law on mediation;
- Law on notary;
- Law on property and other real rights;
- Law on courts, with later amendments;
- Law on leasing;
- Law on resolving conflict of laws with provisions of other countries in defined relations (of the year 1982, while the new is in the process of conclusion by the Ministry of Justice).

So far, Kosovo has not signed any bilateral or multilateral agreements with the Balkan countries or other countries regarding juridical cooperation in the civil field. It is worth mentioning that the regulation of EU, no.1346/2000, abrogated all conventions in the midst of the former Socialist Federative Republic of Yugoslavia (SFRY) and of some member states of the EU, signed at that time⁹⁸.

Nevertheless, the article 145 of the Constitution of the Republic of Kosovo, defines that “*International agreements and other acts relating to international cooperation that are in effect on the day this Constitution enters into force will continue to be respected until such agreements or acts are renegotiated or withdrawn from in accordance with their terms or until they are superseded by new international agreements or acts covering the same subject areas and adopted pursuant to this Constitution*”⁹⁹. In accordance with the Declaration of Independence of Kosovo, Kosovo has undertaken the international obligations including those concluded on behalf of Kosovo by the Interim Administration of the United Nations in Kosovo (UNMIK), as well as other treaties and obligations of former SFRY, which Kosovo was obliged in as its integral part, by including here the Vienna Convention for Diplomatic and Consular Relations. This way it turns out that relevant bilateral agreements of the former SFRY, still are not withdrawn or abrogated from the new bilateral agreements, because like it is said above, Kosovo has not signed any of them yet. Vienna Convention on Succession of States in terms of treaties (of the year 1978) foresees that “a bilateral treaty which was in force or was applied on interim bases during the succession of the states in the territory of states at hand, is considered temporarily valid between the newly independent state and other states at hand when:

- The states explicitly agree for this matter, or
- Through their behavior is considered that are agreed for such a thing”¹⁰⁰.

⁹⁸ View Erik Larson, Heikki Wendorf, Jos Uitdehag, “Instructions for international juridical cooperation in civil matters”, page 18.

⁹⁹ Constitution of the Republic of Kosovo, Article 145.

¹⁰⁰ View Erik Larson, Heikki Wendorf, Jos Uitdehag, “Instructions for international juridical cooperation in civil matters”, page 19.

Even though Kosovo has not ratified this convention, provisions of this international instrument can be used to clarify the fact if bilateral agreements set and signed at that time by the former SFRY and Austria, Bulgaria, Check Republic, France, Cyprus, Hungary, Poland, Rumania, Slovakia, Great Britain and Turkey, in fact are still in force¹⁰¹.

In 2011, Ministry of Justice of the Republic of Kosovo, has applied for membership or for the status of the observer at The Hague Conference on Private International Law, so it could take part in seminars, or conferences of this organization, but so far there hasn't been any answer.

2.1. The procedure for international juridical cooperation in the civil field for applications that derive from Kosovo

Administrative Directive, the procedures of international juridical help in criminal and civil matters, no. 2009/1-09, approved by the Ministry of Justice of Republic of Kosovo, foresees the procedure of 5 phase's for the treatment of the applications that source from Kosovo towards other states. These phases are as follows:

- Receipt of the application by the court;
- Review of the application;
- Forwarding of the application through diplomatic channels;
- Answer (Feedback) from the foreign country;
- Forwarding of the answer (feedback) to the relevant court.

A practical example of the case when juridical help is directed to a foreign body

REPUBLIC OF KOSOVO
BASIC COURT IN PRIZREN
C.no.1683/92
DATE: 3.12.2013

To the MINISTRY OF JUSTICE
PRISTINA

REQUEST

In the Basic Court in Prizren, there is an ongoing process of dispute C.no.1683/92, between the claimant Lumnije Kurtaj etc., all of them from the village Zhur municipality of Prizren, who are represented by their authorized lawyer av. Kujtim Berisha from Prizren, against the defendant Insurance Company "Llovqen" D.D. Podgorica – branch in Beran – Republic of Montenegro, about the damage compensation.

¹⁰¹ Right there, page 20 and on.

The next session for this subject, is set on 17.6.2014, at 10:00 h, office no. 221, in the premises of the Basic Court in Prizren.

Regarding this matter, you are asked to have: the Invitation for the session, together with the minutes of 3.12.2013, which are translated into the Montenegrin language, within the set time frame delivered to the competent bodies, in a way that the above mentioned defendant receives it at the address indicated above, while sending us back the confirmation paper for the receipt of the invitation and of the minutes by the defendant.

We hope on your cooperation.

**Judge,
Arben Arbeni**

Attachment: Minutes and the Invitation

2.2 The procedure for international juridical cooperation in the civil field for the applications that derive from other countries, towards Kosovo

In these cases as well, according to the above mentioned Administrative Directive of the Ministry of Justice, the procedure goes through 5 phases, respectively:

- The receipt of the application by the foreign country;
- Review of the application by the Division for International Juridical Cooperation within the Ministry of Justice;
- Decision of the Division for International Juridical Cooperation for sending the application to the relevant court;
- Answer (feedback) from the court or from the relevant authority;
- Forwarding of the answer (feedback) of the court or relevant authority from the Division to the relevant applicant authority of the relevant country.

Question: What happens when such a request comes from a country that has not recognized the Republic of Kosovo or when a request of a local court through the Division has to be addressed to a country that has not recognized the Republic of Kosovo? In those cases there are three possibilities:

- The first possibility is the refusal of the request from a foreign country that has not recognized the Republic of Kosovo;
- The second possibility is forwarding of the request according to the reciprocity and politeness;
- The third possibility is utilization of the communication through the Office of the Special Representative of the EU.

Some practical examples of procedural actions in cases of international juridical help regarding the cases that are addressed to the local authorities

BASIC COURT IN PRIZREN

NJN.no.2/2016

MINUTES

Compiled on 20.5.2016, in the Basic Court in Prizren, according to the request of the Ministry of Justice of the Republic of Kosovo, no.04-2-1392-G/16 dated 3.5.2016, regarding the submission of the Invitation for the participation in the main review hearing 15.6.2016, at 10:00 h, authorized representative of the Insurance Company “Kosovo”- branch in Prizren, regarding the dispute subject of the Basic Court in Beranë - Republic of Montenegro, according to their number, C.no.250/2014.

Present from the Court are:

The Judge of the extra-judicial procedure

Hasan Hasani

Minute taker

Besa Gashi

The session started at 10:00 h

It is concluded that based on the Invitation, presented in front of the judge Lirie Krasniqi, a graduated lawyer from Prizren, as an uthorized party by the Insurance Company “Kosovo” – branch in Prizren, the identity of whom the court has verified through the ID issued by MIA of R.K., with a personal number: 1001215669, who in this case has delivered to the court a copy of the authorization document.

Since the same was notified about the content of the application of the Ministry of Justice of the Republic of Kosovo, no.04-2-1392-G/16, dated 3.5.2016, the Invitation for the main hearing session was delivered to the same, appointed in the Basic Court in Beranë- Republic of Montenegro, for the date 15.6.2016 at 10:00 h, which she confirmed via her signature.

The session ended at 10:15 h

**Minute taker,
Besa Gashi**

**Judge,
Hasan Hasani**

REPUBLIC OF KOSOVO
BASIC COURT IN PRIZREN
NJN.no.2/16
Date: 21.05.2016

To the MINISTRY OF JUSTICE
The Department for International Juridical Cooperation

MR. Halim Halimi – Director of the department

PRISTINA

Your connection: MD/DBGJ/2715/dk/16
DBJN/2016-178

This court, on 3.5.2016, received an act-application from **your** side, for the purpose of the submission of documentation – Invitation from the Basic Court in Beranë - Republic of Montenegro, to the authorized party of the defendant, the Insuring Company “Kosovo” – branch in Prizren.

This court on 20.5.2016, has submitted the documentation - Invitation, to the authorized party of the defendant, Insuring Company “Kosovo” – branch in Prizren, respectively to the person by the name of Lirie Krasniqi, a graduated lawyer from Prizren, who personally received the Invitation without any objections.

We consider that in this manner your act-application has been fulfilled.

Attached to this act we are sending you the minutes of the receipt and delivery of the documentation - Invitation, in your further competence.

Thank you for your understanding.

Judge

BASIC COURT IN PRIZREN
NJN.no.3/2016

MINUTES

Compiled on 10.5.2016, in the Basic Court in Prizren, according to the application of the Ministry of Justice of the Republic of Kosovo, no.04-2-1392-G/16, of the date 3.5.2016, regarding the submission of the invitation for the participation in the main hearing session of the date 15.6.2016, at 10:00 h, to the authorized representative of the Insuring Company “Kosovo” – branch in Prizren, in regards to the dispute subject matter of the Basic Court in Beranë - Republic of Montenegro, according to their number, C.no.250/2014.

Present from the Court are:

Judge of the extra-judicial procedure
Hysen Hyseni

Minute taker
Besa Gashi

The session started at 10:00 h

It is concluded that no person presents the invited party, Insuring Company “Kosovo”, branch in Prizren, for which the court has no evidence that the same was invited properly, since the letter was returned to the court with the conclusion that the same is not known at the given address.

The session ended at 10:10 h

Minute taker
Besa Gashi

Judge
Hysen Hyseni

REPUBLIC OF KOSOVO
BASIC COURT IN PRIZREN
NJN.no.3/16
Date: 11.5.2016

To the MINISTRY OF JUSTICE
The Department for International Juridical Cooperation

MR. Halim Halimi - Director of the department

PRISTINA

Your connection: MD/DBGJ/2715/dk/16
DBJN/2016-178

This court, on 20.4.2016, received an act-application from **your** side, for the purpose of the submission of documentation – Invitation from the Basic Court in Beranë - Republic of Montenegro, to the authorized person of the defendant, Insuring Company “Kosovo” – branch in Prizren.

We regretfully inform you that this Court, on 10.5.2016, has set a session for this purpose, but on basis of the conclusion emphasized in the letter sent to the defendant, and according to the address sent by you, it resulted that this address is incorrect.

Attached to this act, we are sending you the minutes with the above mentioned conclusion, into your further competency.

Thank you for your understanding.

Judge

A practical example of the recognition of a foreign decision

CN.13/14

BASIC COURT IN PRIZREN, judge _____, with the judicial secretary _____, deciding in relation to the proposal of the proposer Antoneta Balaj, maiden name Krasniqi from Prizren, who is represented by the authorized person Mediha Krasniqi, regarding the receipt of the foreign court decision, the 15.1.2016 imposed this:

V E R D I C T

THE VERDICT from the District Court Willisau of the Luzern Canton of Switzerland **IS ACCEPTED**, with no. 2D4 12 39 FAM 54 dated 28.11.2014, with which the marriage between Antoneta Balaj-Krasniqi and Elvis Balaj is dissolved.

Reasoning

The proposer Antoneta Balaj-Krasniqi, has presented the proposal for the acceptance of the decision of the District Court of the Luzern Canton of Switzerland, no. 2D4 12 39 FAM 54 of the date 28.11.2012, with which the marriage between Antoneta Balaj-Krasniqi and Elvis Balaj is dissolved, concluded on 17.7.2006, in the office of civil affairs in Gjakova.

By reviewing of the decision of the District Court of the Luzern Canton of Switzerland, no. 2D4 12 39 FAM 54 of the date 28.11.2014, it is verified that the parties have dissolved the marriage. The decision enters into force from the date 15.1.2015.

The decision of the District Court of the Luzern Canton of Switzerland, no. 2D4 12 39 FAM 54 of the date 28.11.2014, is an official document of a foreign country. Basic court in Prizren, according to the article 101, al.1, related to article 86, 87 and 92 al, 2 of the Law on resolving conflict of Laws with the provisions of the foreign countries by defined relations (Official Gazette no.43/82), which is applied according to the UNMIK Regulation 1999/24, as well as no.2000/59, on amendment of the regulation no.1999/24, of SRSG of UNO, as well as the Law on Courts, verifies that the terms are met for recognizing the decision.

Because of the above mentioned reasons it is decided as in the dispositive of this verdict.

BASIC COURT IN PRIZREN

CN.no.13/14, dated 15.01.2014

Juridical Secretary

Judge

JURIDICAL INSTRUCTION: Against this Verdict, the unsatisfied party can present an appeal to the Court of Appeals in Pristina, within 15 days from the day of the receipt, and through this court.

2.3. Jurisdiction on the basis of Law on Dispute Procedure (LDP)

According to the Administrative Directive, it is foreseen that the Division for International Juridical Cooperation has to forward all applications for delivery to other courts, except if it is regulated differently by Law in force. By the article 105 of LDP, an exclusion from the general rule that the courts have to do the sending is foreseen. So with this article it is foreseen that *“when the delivery of the documents must be done to the persons or institutions abroad or to the foreigners who enjoy the right of immunity, sending will be done through diplomatic channels, if in the international contract or in this law another way of communication is not determined¹⁰²”*. Otherwise, according to the chapter II, respectively articles 37-66 of LDP, regulations are defined according to which Kosovo Courts have the jurisdiction over specific types of lawsuits.

2.4. Competencies according to the Law on Arbitration

According to the Law on Arbitration of the year 2007, the decision of the Arbitration may be a title for execution. So, according to article 39 of this Law, Economic Court, respectively now the Basic Court in Pristina - Department for Commercial Matters, has the competency to recognize a request for the recognition and execution of Arbitration decision that was made outside of Kosovo, with a condition that this decision fulfills some criteria. These criteria are as follows:

- The request has to have the original of the decision attached or the verified copy of the decision;
- The request has to have the original of the Arbitration agreement attached or a verified copy of it.
- Also to the original document an attachment should be made with a certified translation of the Arbitration agreement and of the Arbitration decision into one of the official languages of Kosovo, if the decision or the agreement is not compiled in one of the official languages of Kosovo¹⁰³.

With this law are also foreseen the conditions that enable the party against whom the request is being made, as to oppose this request for the execution of the arbitration decision or foreign agreement. In this way, even with article 61 of LEP, it is foreseen that the execution authority may postpone the execution, if the request was submitted in order to reject the arbitration decision.

As far as the executions of the foreign decisions of Arbitration are concerned, it is worth mentioning the Convention of New York – Convention of the United Nations for the Recognition and execution of the Foreign Decisions of Arbitration of the year 1958. According to the Kosovo Law on Arbitration, the procedure for recognition of the decision or the foreign agreement is not accurately described. So, article 39 of this Law does not clarify if Commercial Court (now the Department for Commercial Affairs), has or does not have the competencies to review the reasons of legality of the case or if the competency for review is limited by the reasons mentioned under article

¹⁰² View Article 105 of LPK.

¹⁰³ View Article 39 of the Law on Arbitration.

39 of this Law. Reasons that have been mentioned in article 39 of the Law on Arbitration are similar to the ones of the New York Conventions. So, as reasons for refusal in this Convention, these are mentioned:

- Parties of the arbitration did not have legal capacity;
- According to the presented provisions by the parties to the arbitration agreement and in case of non-execution of such an agreement, according to the Laws of the state in which the decision to arbitration is made, the arbitration agreement is canceled and proclaimed invalid;
- The party over which the decision is required, is not informed about scheduling arbitration or arbitration sessions or otherwise was unable to participate in these sessions;
- The arbitration decision shall review a disagreement that is not provided for in the arbitration agreement or has to do with an issue that is outside the scope of the arbitration agreement;
- The composition of the arbitral authority or the arbitral procedure was not in accordance with the arbitration agreement or in case of absence of such an agreement with the laws of the State in which the arbitration occurred;
- The arbitration decision has not entered into force between the parties, or has been invalidated or suspended by a competent body of the State in which such a decision was made¹⁰⁴.

3. Lugano Convention

As an act or international instrument which in itself contains rules regarding the recognition and execution of foreign decisions is the Lugano Convention, signed by the contracting parties in Lugano, Switzerland on 30.10.2007. In fact, the main goal of this convention is to simplify the procedures for the recognition and execution of foreign decisions. This convention applies to civil and commercial matters, whatever the type of court or tribunal it may be. However, the Lugano Convention does not apply to the following cases:

- The status or legal capacity of individuals, property rights arising out of a matrimonial relationship, testament and inheritance;
- Bankruptcy procedures and procedures related to the liquidation of bankrupt companies or other legal persons;
- Social security;
- Arbitration¹⁰⁵.

Otherwise, the rules of jurisdiction which are determined by the Lugano Convention are similar to the rules of competence foreseen by the Brussels I Regulation.

Lugano Convention is based on the principle that the declaration of enforceability must be in some degree automatic and subject to only one formal verification, without any review of the reasons for refusal of recognition that are foreseen in the Convention, for

¹⁰⁴ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 37-38.

¹⁰⁵ Right there, page 40.

the initial phase. In fact, an examination of the reasons for refusing recognition and execution of Foreign decision, is postponed for the second phase in which the party against whom execution will be implemented, must show the eventual reasons for the objection. Otherwise, the article 32 of the Convention, states that for the purposes of this Convention, all decisions that are taken by a court have the effect of "judgment" and that the term also includes orders for any expenses which might be made by a court official as is the case in some European countries. Even resolutions for setting temporary and defense measures, falls within the definition of "judgments", on condition that they are set in one of the member states parties to the Convention and that the parties be offered the opportunity to be heard in the country of their origin, in the case of the appointment of a temporary measure. The same applies to judgments with which is decided in *meritum*. Additionally, under the Convention, it is foreseen that a judgment issued in the country of origin, will not be recognized or enforced, if for that issue has already been issued another judgment in the requesting state with which is decided differently. The article 36 of the Convention, excludes the possibility of reviewing the content of the judgment.

Definition of courts and what is meant by them under this Convention, is quite broad, but mostly it is meant about state-party authorities to the Convention, which have competences to decide matters related to this Convention.

4. Hague Conference for Private International Law (HCPII)

Hague Conventions which are mostly ratified and implemented in the international legal assistance matters in the civil field are as follows:

- The Hague Convention on Civil Procedure, adopted on 01/03/1954, which includes in itself aspects of submitting documents and obtaining evidence abroad;
- Hague Convention for sending abroad of judicial and extrajudicial documents in the civil and commercial matters, adopted on 15th November 1965, which regulates the delivery of judicial and extrajudicial documents to be followed by one state to another state.
- Convention on sending the evidence abroad on civil and commercial matters, adopted on 18th March 1970, which defines the manner of cooperation for sending the evidence abroad on civil and commercial matters, including sending the evidence by means of letters of request or through agents or consular and diplomatic commissioners;
- Convention for lifting of the request of the legislation for foreign public documents (Convention Apostil), dated 10.05.1961, which determines in itself a more simplified method for verifying the authenticity of public documents for use abroad, in which case from the country of origin of the document is issued only a single certificate;
- Convention on the recognition and execution of foreign judgments in the civil and commercial matters, along with its additional protocol, dated 01.02.1971, which provide details about the conditions for the recognition and execution of foreign judgments;

- Convention on the agreement for selection of a court, dated 30.06.2005, which is not yet in force, that has to do with an agreement for selecting of a court, with which it is foreseen that the chosen court decides on the relevant issue, by excluding other courts, where in this case the chosen court decision must be recognized and enforced¹⁰⁶.

In fact, the Hague Conference and Conventions emerged from this conference, have led to an easier and more technical cooperation between countries, while the principles which The Hague conventions contain in themselves, have begun to be treated as customary international law.

4.1. The Hague Convention for sending of judicial and extrajudicial documents abroad for commercial and civil matters, approved 15th November 1965

This Convention reviews the sending channels that need to be used in case a judicial or extrajudicial document has to be sent from a member state of the convention, in another state signatory member of the convention. Shortly, this Convention, is mostly concentrated on the sending methods than of the delivery. **HCPIL** has announced that 66% of documents in 2006, have been executed within 2 months.

This Convention is applied for all cases, as in civil matters, as well as in those of commercial matters, when the address of the person abroad to whom the delivery has to be made, whereas the same does not apply when the address for that person is unknown.

According to this Convention, it is foreseen to form a main channel of communication, respectively a body or a competent court official which according to the laws of the requesting country, sends the document that has to be sent to Central Authority of the state. A special model of the form has to be attached to this request, foreseen by the Convention respectively by an annex Convention¹⁰⁷.

This Convention, even foresees alternative channels of communication, such as: diplomatic and consular channels, postal channels, direct communication between the court officials, etc.

Principally, the communication between states for Convention purposes is free, excluding cases when the applicant has to pay for expenses caused as a result of an engagement of a court or of another competent person, or the use of another special communication method.

¹⁰⁶ Right there, page 50 and on.

¹⁰⁷ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 53, quoted according to "The Practical Handbook on the Operations of the Hague Service Convention, HCCH, 2006.

4.2. Convention for gathering of abroad evidence in civil and commercial matters, approved 18th March 1970

This Convention, determines the methods of cooperation for gathering of abroad evidence in civil and commercial matters. This Convention, is applied only between signatory member states of the Convention and insures gathering of the evidence be it by letter of request or by diplomatic and consular officials.

According to the Convention, every contracting state determines a central authority which takes on the duty to receive letters of request that come from another judicial authority of another contracted state of this Convention and forwards them to another competent authority for execution. This way, judicial authority of the requesting state forwards the letters of request for gathering of the evidence which are intended to be used in court procedures in the requesting states, the central state authority of execution (without including forwarding through another authority of that state). The language is: the language of the requesting state or English or French¹⁰⁸.

A person that has to be questioned, may refuse to give testimony as long as he has a privilege or duty to refuse to give evidence in cases:

- According to state execution Laws; or
- According to the Laws of the State of origin and when the privilege or duty has been specified in the letter of request¹⁰⁹.

Regarding expenditures, this Convention states that in principle the execution of the letter of request for the purposes of this Convention, will not be a subject to reimbursement of taxes or costs, except fees foreseen for the purpose of engaging experts or translators¹¹⁰.

4.3. The Convention on the lifting of the request of legislation for foreign public documents (Convention Apostil), dated 5.10.1961

Apostil Convention enables its member states, the replacement of a long and expensive legalization process, by issuance of a simple apostil (apostil certificate or only a certificate). In practice, this Convention has proven to be very efficient and helpful. In fact, because of its efficiency, so far 100 countries have ratified the contract, and millions of people within the year use and "benefit" from this Convention.

The Convention applies only to public documents in cases:

- For the documents originating from a judicial authority or any other equivalent tribunal of a Contracting State, including requirements that any public prosecutor or administrative officer of any court may make;
- Administrative documents;

¹⁰⁸ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 59.

¹⁰⁹ View Article 11 Convention on taking of evidence abroad in civil and commercial matters.

¹¹⁰ View Article 14 Convention on taking of evidence abroad in civil and commercial matters.

- Notarial acts;
- Official certificates which are placed in documents signed by private persons, certified by a competent notary¹¹¹.

This Convention does not apply:

- For documents executed by diplomatic or consular agents;
- For administrative documents directly related to customs or trading actions¹¹².

As the most common documents which apostil has been issued for are: birth certificates, marriage, death, driver's license, court decisions, notarial acts, academic degrees, etc.

Apostil is never connected with the content of the document, but only with a certificate of authenticity of the signature of the signatory person and the identity of the seal which the document holds. Otherwise apostil can only be issued by a state body or other competent authority, from which the relevant public document originates¹¹³.

4.4. The Convention on the recognition and execution of foreign judgments in civil and commercial matters, along with its additional protocol, dated 1.2.1971

This Convention applies to decisions given in civil or commercial matters by the courts of signatory states of the Convention. The Convention states that a decision by one of the Contracting States shall be entitled to recognition and execution in another State signatory to the Convention, if:

- The decision was given by a court considered to have jurisdiction within the meaning of this Convention, and
- Is no longer subject to ordinary forms of review in the State of origin;
- The decision is enforceable in the State where it is sent, as well as at the one of origin¹¹⁴.

The procedure for recognition and execution of foreign judgments is governed by the Law of host country as far as this Convention doesn't otherwise foresee. In general recognition and execution cannot be refused for the reason that the state court of origin has applied a law other than that which would apply to the receiving state under the rules of private international law. According to the Convention, any possibility of review of the merits of decision made by the court of origin is excluded.

4.5. The Convention on the agreement of election of a court, dated 30.6.2005

As it is emphasized above, this Convention is not yet in force. Some efforts have been made in the past so that the same can be ratified and enter in force, but the Convention

¹¹¹ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 61.

¹¹² Right on, page 61.

¹¹³ Right on, page 61.

¹¹⁴ Right on, page 58.

had only been signed by a very small number of countries for which reason its implementation hasn't entered into force so far. The Convention aims to provide clarity and ensure the effectiveness of exclusive agreements between the parties on election of a court for resolving trade disputes, as well as governs the recognition and execution of judgments made as a result of court proceedings based on these arrangements¹¹⁵.

5. European Union - legal regulations in the field of European civil procedure

The relationship between Community law and national law, regarding areas that are subject to legal European regulations, is characterized by two criteria, the criteria of the supremacy of the former over the latter, namely the supremacy of Community law over national law, as well as the criteria of immediate implementation of community law by national courts. From this rule the procedural law is not an exception even though for many years this right was considered as the respective right of each member state by excluding it from the area of implementation of Community treaties¹¹⁶.

The beginnings of a community process right can be found as early as in the article 293 of the Rome Treaty, which at the time was promoting the recognition and circulation of judicial decisions between the countries of the member countries, as an important element of support for the so-called four fundamental freedoms (freedom of the circulation of persons, goods, capital and services). With further advancement of the integration processes and with approximation of the right of Member States with Community law, numerous Community directives are the ones that take place even on procedural matters. Therefore, we can mention the directive dated 29.6.2000 on the fight against the delayed payments in commercial transactions, which among other things, had forced the Italian state legislators to cancel article 663, the last paragraph of the Code of Civil Procedure which, use to forbid the possibility of using the binding - order decree against debtors resident outside the member state¹¹⁷.

5.1. Amsterdam Treaty

The Treaty of Amsterdam, among other things, has created competencies for drafting and adoption of Legislation on judicial cooperation. Explicitly, the Treaty mentions several measures such as: improving and simplifying the system for submitting cross-border of judicial and extrajudicial documents, recognition and execution of decisions of civil and commercial matters, including decisions on judicial matters as well as elimination of obstacles for smooth functioning of civil proceedings, and if necessary,

¹¹⁵ So far this Convention has been signed by USA and the European Union in 2009. Argentina, Australia and Canada, are actively working for signing of this Convention. Quoted according to Erik Larson, Heikki Wendorf, Jos Uitdehag "Guideline for international judicial cooperation in civil matters", page 62.

¹¹⁶ Paolo Biavati, Michele Angelo Lupoi, Redi Nazim Shtino "The European Civil procedural rights", Geer, 2010, page 73.

¹¹⁷ Paolo Biavati, Michele Angelo Lupoi, Redi Nazim Shtino, "The European Civil procedural rights", Geer, 2010, page 73.

by encouraging the compatibility of rules on civil procedure in the EU member states¹¹⁸. Therefore, this collaboration has resulted in three major effects:

- New Legislation can enter into force sooner since there is no need to go through the approval procedures of national parliaments;
- Has come more to terms the principle of legislation dominance of the EU (the so-called *acqui cumunitare*) over the national law;
- Legislation of the EU, for international cooperation is part of *acqui cumunitare*, which means that all future member states of the EU are obliged to act according to this legislation from the moment of the accession¹¹⁹.

According to the Treaty of Amsterdam, the effects in the context of international legal cooperation in civil law, are related to:

- Improving and simplifying:
 1. Of the system for cross-border delivery of the judicial and extrajudicial documents;
 2. Cooperation in taking of evidence;
 3. Recognition and execution of decisions in civil and commercial matters, including decisions in extrajudicial cases;
- Encouraging of the compatibility of the rules in force in member states concerning conflict of laws and jurisdiction;
- Eliminating obstacles to the good functioning of civil proceedings, if necessary by encouraging the compatibility of rules on civil procedure in force in the member states¹²⁰.

5.2 Brussels I Regulation

In 1968, member states of the EU of that time, acting under article 220 of the Treaty, concluded the Brussels Convention on Jurisdiction and the execution of decisions in Civil and Commercial matters, later known as Brussels I. Otherwise this regulation, is one of regulations which is mostly being implemented from community countries¹²¹.

This Convention, in 2001, was followed by Council Regulation No.44 / 2001, dated 12.22.2000, on Jurisdiction, Recognition and Execution of Judgments in Civil and Commercial Matters and most recently with Regulation no.1215 / 2012 on Jurisdiction and the Recognition and Execution of Judgments in civil and Commercial Matters. Otherwise it has recently entered into force 1.1.2015.

Through this Regulation and those subsequent mentioned above, legal base of the EU is created, which allows the free "movement" judgments, respectively, it is made possible that the judgments given in a member state of the EU, to be recognized and

¹¹⁸ View Article 65 of the Treaty.

¹¹⁹ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 66 and on.

¹²⁰ On, page 68.

¹²¹ Paolo Biavati, Michele Angelo Lupoi, Redi Nazim Shtino, "The European Civil procedural rights", Geer, 2010, page 87.

enforced in another member state of the EU, even if the judgment debtor is resident of a third country. So the purpose of this Regulation is the free movement of decisions in civil and commercial matters.

Regulation in question has to do with all the main civil and commercial matters, regardless of the nature of the court or relevant tribunal which has decided. But regulation does not apply to obligations relating to the maintenance-alimony. For these obligations is issued a special regulation No.4 / 2009 Year 2008. Regulation in question also does not apply to:

- Status issues of individuals, property rights arising from matrimonial relationships, wills and inheritance;
- Bankruptcy procedures related to the liquidation of bankrupt companies or other legal persons, judicial arrangements compositions as well as analogous proceedings;
- Social security;
- Arbitration¹²².

5.3. European Execution Order (EEO)

In fact, the use of this regulation is not mandatory and the parties regarding the execution of foreign execution documents may be based on the Brussels I Regulation and the procedures foreseen by this regulation. Based on this regulation is also introduced a system of certification of the decisions on property claims in civil and commercial matters. And at the request of the creditor at any time may be required by the court of origin to confirm a decision to Order of the European Execution (EEO), where after being certified, the same can be implemented in all EU member states, without the need of any other execution document. Through this regulation the execution of uncontested requests can be done and according to the regulations, an application is considered uncontested if:

- The debtor has expressly agreed with acceptance or by an agreement which has been approved by a court or concluded before a court in the current procedure;
- The debtor has not objected, in accordance with relevant procedural requirements according to laws member state of origin, in current procedure;
- The debtor is not present or represented in a court hearing regarding that claim after having originally opposed the request in the current judicial procedure, on the condition that such behavior represents an implicit admission of the request or of the facts claimed by the creditor according to laws of the State either of the origin, or
- The debtor has expressly agreed to this in an authentic instrument¹²³.

¹²² View Article 1 of the Regulation 44/2001 and Article 1 of the Regulation 1215/2012, quoted according to Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 72, as well as Paolo Biavati, Michele Angelo Lupoi, Redi Nazim Shtino, "The European Civil procedural rights", Geer, 2010, page 89.

¹²³ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 83.

5.4. European Payment Order (EPO)

EPO represents a new mechanism in execution of judicial decisions or equivalent authorities¹²⁴. Until its establishment there was not a uniquely European civil procedure on these issues. Therefore it appears that Brussels 1 Regulation and the European Execution Order (EEO) are instruments of implementation, while EPO is a procedure and as such is applicable throughout Europe.

Aim of this regulation appears to be:

- Simplifying, accelerating and reducing the costs of disputes in cases related to cross-border uncontested requests flows;
- Facilitate the free circulation of European orders on payments in all member states by setting minimum standards, compliance with which makes mediation procedures unnecessary in the member state prior to the recognition and execution of this decision.
- According to article 2 of the Regulation, the latter applies to criminal and civil in cross-border cases, whatever the nature of the court or tribunal may be. Whereas regulation does not apply to:
 - Revenue issues, customs or administrative matters of the State that relate to the exercise of competences of state duties,
 - property rights arising from matrimonial relationships, wills or inheritances,
 - Bankruptcy, proceedings relating to the closure of insolvent companies or other legal persons, judicial arrangements, deals and similar procedures, social security,
 - Claims arising from non-contractual obligations, unless they are subject to agreement between the parties or the recognition of debt is made in between them, or when we are dealing with liquidated debts arising from joint ownership¹²⁵.

5.5. Small Claims Procedure (ESCP)

While the above regulation (EEO), has been designed for uncontested claims, the regulation is designed precisely for the opposite cases, respectively for disputed claims¹²⁶. According to the above mentioned regulation (EPO), there is no limit on the amount of the money, the execution of which is required, while with this regulation (EEO) the claim is limited only in the amount of 2,000 euros or less. The procedure refers equally monetary requirements and the goods or services that are valued at less than 2,000 euros. This regulation refers only to cross-border cases in civil and commercial matters. However, various requirements are excluded based on article 2 of the Regulation, for the following cases:

- Status or ability of the physical persons to act,

¹²⁴ View Article 43 tē Rregullores 1215/2012.

¹²⁵ View Erik Larson, Heikki Wendorf, Jos Uitdehag, “Guideline for international judicial cooperation in civil matters”, page 87.

¹²⁶ View Regulation 861/2007, dated 11.07.2007.

- property rights arising out of a matrimonial relationship, maintenance obligations, wills and inheritance,
- Bankruptcy, proceedings relating to the closure of insolvent companies or other legal persons,
- Social insurance, arbitration,
- Labor law,
- In real estate leases, except actions on monetary claims,
- Violations of the privacy rights and rights relating to personality, including defamation¹²⁷.

This regulation also uses standard form. While the procedure on the European order for payment provides an instrument for standard procedure, the procedure for small European claims focuses on individual cases, when the creditor should be able to determine the amount of the claim, and (unlike the procedure in the European order for payment EPO) explain the circumstances and provide evidence. This way the regulation for smaller requests, enables and allows the use of supporting documents.

5.6. Regulation on submission of documents no.1393/2007

This regulation provides a system where documents which are sent in civil and commercial matters are forwarded in standard form, filled in the official languages of the country where the submission has to be done, or in another language provided that the member states in question accept this. The aim is to submit the documents within one month from the receiving authority¹²⁸.

According to this regulation, each member state designates public officials, authorities or other persons, who are competent for the transfer of judicial and extrajudicial documents that need to be submitted in another member state. These are the so called “transfer authorities”. Also, each member state designates public officials, authorities or other persons, as “receiving authorities” who are competent for receiving the judicial and extrajudicial documents from another state member of judicial and extrajudicial documents from another member state. This differs from state to state. For example in The Netherlands, Belgium and France, execution authorities, also act as forwarding and receiving authorities, while in Germany, that duty belongs to local courts. It is interesting that all documents and letters that are forwarded, are excluded from legalization or any equivalent formality¹²⁹.

¹²⁷ View Erik Larson, Heikki Wendorf, Jos Uitdehag, “Guideline for international judicial cooperation in civil matters”, page 91.

¹²⁸ On page 94, as well as the Regulation no.1393/2007 on submission of documents.

¹²⁹ View Erik Larson, Heikki Wendorf, Jos Uitdehag, “Guideline for international judicial cooperation in civil matters”, page 94 e tuje, si dhe Rregulloren no.1393/2007 on submission of documents.

5.7. Regulation for cooperation between courts of the Member States for taking of evidence in civil and commercial matters

The purpose of this regulation is to facilitate the taking of evidence, which must be used in court proceedings, which have started or intend to start in another member state of the EU, through a system of transfer and execution of direct and quick requests. This only applies to EU member states, for civil and commercial matters in the following cases:

- When a member state requests another member state to provide evidence;
- When a State requires taking of the evidence directly in another Member State¹³⁰;

Regulation enables a direct delivery system between courts¹³¹. In each member state, a central authority is appointed which is responsible for:

- Offering of information to the courts;
- Searching for solutions for difficulties about delivery;
- In special cases, the transfer of the request to the competent court.

Each member state also appoint a central authority or one or more different competent authorities to be responsible for making decisions about the requests to take evidence directly. The request must be executed within 90 days after the date of receipt¹³².

Execution of claims subject of this regulation may be refused only if:

- The claim is not within the scope of the regulation (e.g. if dealing with criminal procedure but not civil or commercial);
- Execution of the request does not fall within the functions of the judiciary;
- The claim is not completed;
- The person from whom the hearing is requested claims the right to refuse or stop giving evidence;
- No deposit or advance payment has been given in regards to the costs of expert consultation.

When the application is refused, the requested court shall notify the requesting court within 60 days of receipt of the request¹³³.

¹³⁰ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 98, si dhe Article 1 of the Regulation on cooperation between courts of the Member States for taking of evidence in civil and commercial matters.

¹³¹ View Article 2 of the Regulation on cooperation between courts of the Member States for taking of evidence in civil and commercial matters.

¹³² View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 99, si dhe Article 10 of the Regulation on cooperation between courts of the Member States for taking of evidence in civil and commercial matters.

¹³³ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 100.

6. The Minsk Convention

Regarding the countries of the Commonwealth of Independent States (CIS), should have aware that these countries participate in the Minsk Convention for Legal Assistance and Legal Relations in Civil, Family and Criminal matters¹³⁴. The Minsk Convention¹³⁵ regulating competencies, sending judicial and extra-judicial documents, the recognition and execution of civil judgments, as well as cooperation among authorities in the field of civil, family and criminal matters.

According to this Convention, the recognition of documents issued and verified in the prescribed format, as well as officially signed by the competent authority or competent person in the territory of one Contracting State does not require any other form of verification in the territories of other contracting states of this Convention¹³⁶. Also, under this Convention, the citizens of any member state of the Convention are exempt from any fee or any other compensation for fees and court and / or notary costs¹³⁷.

The Convention stipulates that the request should be submitted by the laws of the addressed state, provided that the documents are written in the official language of the state to which the request is addressed, or in Russian language or translated into the language¹³⁸. Otherwise it is worth mentioning that the documents can be sent with a simple shipment to the addressee, by the condition that the addressee provided voluntarily accepts the documents.

The request for execution of the judgment should be submitted to the competent court of the contracting state in which the judgment should be enforced or where the court of first instance has rendered the judgment¹³⁹. For example, a decision made by a court of Ukraine, should be forwarded to the Ministry of Justice of Ukraine, for the competent authority of the other contracting state. However, attached the application should be:

- Judgment, or a certified copy of it as well as an official document which proves that the judgment has the effect of the thing already judged for (*res judicata*) and that it is executable;
- The document certifying that the party did not participate in the proceedings and against whom the judgment has been taken, has been invited regularly and on time, or that in the procedural aspect the same has been regularly represented;
- The document certifying the partial execution of the judgment at the time when it was sent; and

¹³⁴ CIS, Commonwealth of Independent States. Treaty of independent states was signed by Belarus, the Russian Federation and Ukraine in Minsk on 8 December 1991, and afterwards this treaty was also signed by 9 countries (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan).

¹³⁵ Convention on legal assistance and legal relations on civil, family and criminal matters, in Minsk, 1993, amended on 28.03.1997, known as the Minsk Convention.

¹³⁶ View Article 13 of the Minsk Convention.

¹³⁷ View Article 2 of the Minsk Convention.

¹³⁸ View Article 10 of the Minsk Convention.

¹³⁹ View Article 53 of the Minsk Convention.

- The document that proves the agreement of the parties on matters that fall under the contracting jurisdiction¹⁴⁰.

7. The Kiev Treaty

Before the Minsk Convention, on March 20, 1992 treaty that was adopted concerns with the modalities for resolving disputes over the trade activity. Although the treaty is open for CIS countries, Georgia is not a member of this treaty. The Treaty refers to dispute resolution, recognition and execution of judgments between legal entities and individuals acting as an entrepreneur only for their relations with the state authorities or other authorities. Regarding the recognition and execution the decisions of the CIS member states, mutually recognize and enforce judgments of competent courts on *res judicata* effect. So the judgments made by the competent courts of the one of the CIS member states, will be enforced in the territories of other member states of the CIS¹⁴¹.

8. The Moscow Treaty

The Moscow Treaty¹⁴² was approved on March 6, 1998 in Moscow and entered into force on January 9, 2001. The treaty was signed by Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation and Tajikistan. So far the treaty is ratified by, Azerbaijan, Kazakhstan, Kyrgyzstan and Tajikistan. Article 2 of the Treaty defines the competence of the competent court, which is made in accordance with the article 4 of the Treaty of Kiev. The treaty regulates mutual execution of the final judgments of the commercial courts of the contracting states in trade matters. According to the Moscow Treaty, the judgments of the competent courts of one of the contracting states which have the effect of *res judicata* must be enforced in the uncontested manner in the territory of the other contracting state. In this case, the execution is done according to the laws of the state of the residence or headquarters of the debtor with the creditor request addressed to the competent court of the contracting state in question.

9. Conclusion

1. Administrative Instruction on the Procedure of International Legal Assistance in Civil and Criminal Matters no.2009 / 1-09, approved by the Ministry of Justice of the Republic of Kosovo, offering superficial solutions for issues of international legal cooperation in the civil field.
2. So far, Kosovo has lacked the legal basis, respectively they still have not issued a special law which would regulate the field of international legal cooperation in civil matters, or Private International Law.

¹⁴⁰ View Erik Larson, Heikki Wendorf, Jos Uitdehag, "Guideline for international judicial cooperation in civil matters", page 104.

¹⁴¹ View Article 7 of the Kiev Treaty.

¹⁴² It is also known as the Treaty for the Peer Execution of Verdicts of the Arbitration, Commercial and Economic Courts in the territory of member states of CIS.

3. In the absence of a coverage of a new law, in the Republic of Kosovo the Law on Resolution of Conflict of Laws still applies, the one of the former SFRY, of the year 1982, as amended, which in many of its aspects is incompatible and exceeded in relation to the new realities created in the meanwhile in the territory of the former SFRY.
4. Unlike criminal cases, so far, Kosovo has not signed any bilateral or multilateral agreements with the countries of the region or other countries on matters of international judicial cooperation in the civil field.
5. There are different interpretations of whether the agreements signed between the former SFRY and some EU member states still continue to apply, since the EU Regulation no.1346 / 2000, states that all these agreements are abrogated in the meantime with the article 145 of the Constitution of Republic of Kosovo, it is foreseen that international agreements and other acts for international cooperation that are in force on the date of entry into force of this Constitution shall continue to be respected until such time as those agreements or acts are renegotiated or until withdrawal from them, according to their terms, or until they are replaced by new agreements or international acts which cover the same areas and are approved in accordance with this Constitution.
6. No substantial commitment of state authorities of Republic of Kosovo is noticed, for the latter's accession in the conventions, bilateral or multilateral agreements with countries in the region or other countries, in matters of international judicial cooperation in the civil field.
7. So far by the competent institutions, very little specialized training and courses on matters of international judicial cooperation in the civil field are held, as well as for institutes of the private international law.
8. There is very little professional literature, whether from local authors, or the ones translated into Albanian, in matters of international judicial cooperation in civil matters or for private international law in general.

10. Recommendation

Since the approval of the Administrative Directive for the Procedure of International Legal Assistance in Civil and Criminal Matters no.2009 / 1-09, by the Ministry of Justice of the Republic of Kosovo, only provides a broad outline of procedures that should be applied in cases of international legal assistance in civil matters, an immediate need is presented for amending and supplementing of the directive.

State competent authorities are to undertake all necessary actions for the adoption of a special Law that would regulate the field of international legal cooperation in civil matters, as this area is regulated for the criminal field.

Giving of the maximum effort by state authorities of the Republic of Kosovo, for its accession to the conventions and other acts or instruments of private international law that regulate matters of international judicial cooperation in civil matters. Because the Republic of Kosovo is not yet a member of the United Nations nor the European Union, we are aware of the legal obstacles in this regard, however, the Republic of Kosovo should attempt to at least have the status of the observer country or temporary status, which then as circumstances change will also bring the status of the member with full rights and obligations in these mechanisms and acts of private international law.

To issue a specific law or to provide any clear interpretation for the Ministry of Foreign Affairs of the Republic of Kosovo, or any other competent authority, about the fact that whether they continue to be in force for The Republic of Kosovo, agreements signed by the former SFRY, with some now European union member states, such as Austria, Bulgaria, Czech Republic, France, Cyprus, Hungary, Poland, Romania, and Turkey. This interpretation is given in accordance with article 145 of the Constitution of Republic of Kosovo, as well as the Vienna Convention on Succession of States in terms of Treaties (of the year 1978).

Organize more training courses and professional discussions by the competent authorities in relation to the international juridical cooperation in the civil field.

Because of the insufficient literature from the local authors, and beside this literature, to try to translate the foreign related to the field of private international law in general, as well as international judicial cooperation, with specific emphasize on civil matters.

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