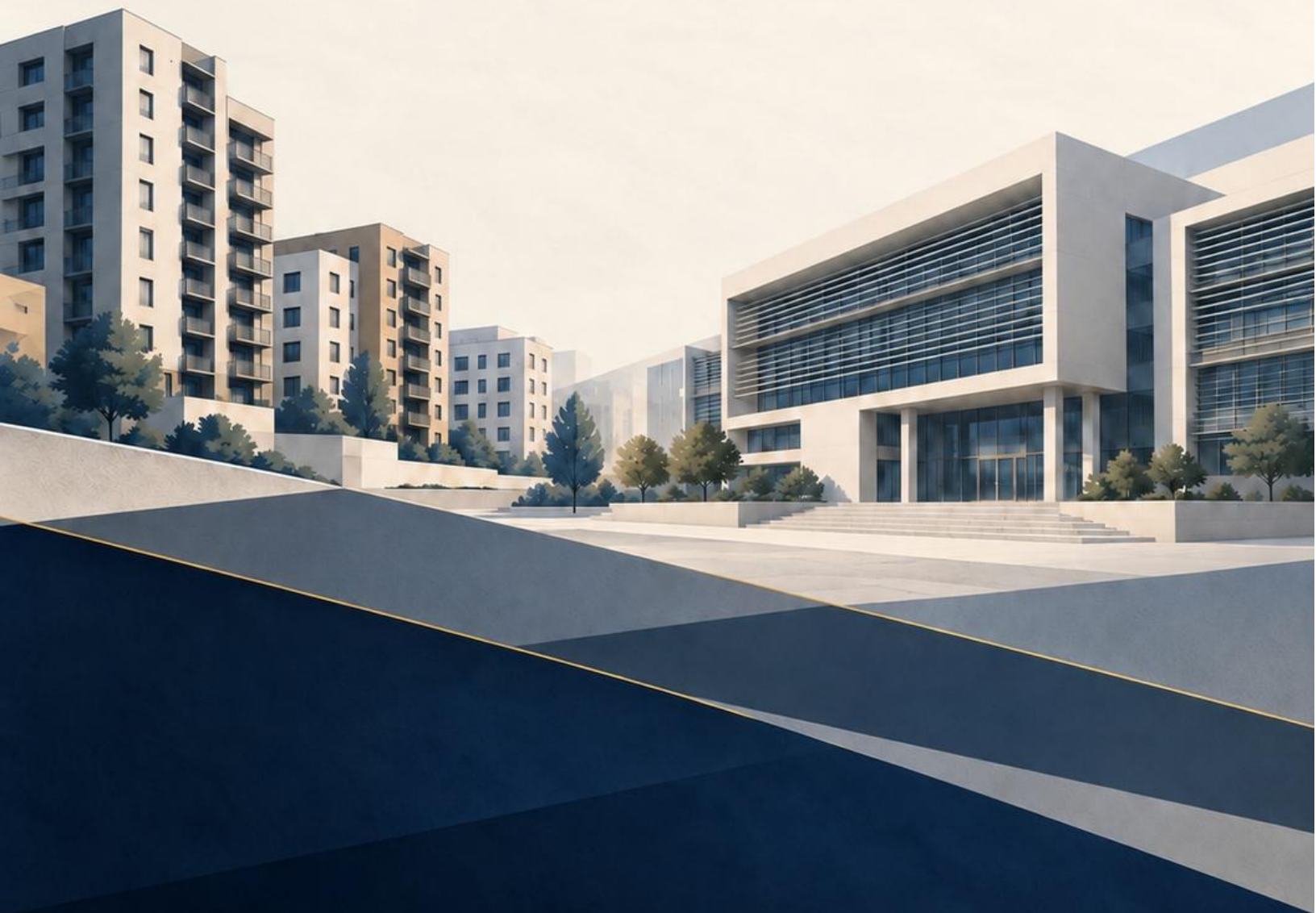




Parliamentary Research:

Necessary amendments before the final adoption of the Law on the Bureau



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Author: Gzim Shala

Editorial team: Ehat Miftaraj and Betim Musliu

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About KLI:

KLI, the Kosovo Law Institute, is a non-governmental, non-profit public policy organisation and think tank specialising in the justice sector.

KLI, Ilaz Agushi Street

Prishtina

E: info@kli-ks.org

www.kli-ks.org

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Executive Summary

Through this report, the Kosovo Law Institute (KLI) presents six proposed amendments to the Draft Law on the State Bureau, aimed at strengthening the institution's independence and functioning, as well as safeguards for persons affected by asset verification and civil confiscation proceedings.

The first amendment proposes that the Director General and the members of the Oversight Commission elected by the Assembly receive at least 61 votes, constituting a majority of all members of the Assembly. The second amendment proposes establishing a Civil Confiscation Division within the Court of Appeals as well, so that judicial specialisation applies at both instances.

The third amendment seeks to replace the undefined criterion of “*substantially higher*” for extending verification to the period after a person leaves public office. It proposes allowing verification to extend for up to five years after the end of public office where the discrepancy between assets acquired and lawful income earned during that period exceeds EUR 25,000.

The fourth amendment proposes that the Court assess the merits of the confiscation application at a preliminary stage. The burden of proof would shift to the party only once the application has been confirmed by a final decision. The amendment also provides for an appeal against the confirmation decision to have suspensive effect.

The fifth amendment proposes a right to compensation when proceedings end without confiscation, including where verification is closed without a confiscation application being filed. The claimant would have to prove the damage and its connection to the measure, but not fault or unlawful conduct on the part of the institution. The proposal also specifies the types of damage, the competent court and the three-year time limit for bringing a claim.

Finally, the sixth amendment proposes allowing a third party to challenge before the Court a decision extending verification, applying the procedure under Article 48 of the Draft Law *mutatis mutandis*.

Taken together, these proposals seek to establish clearer criteria, specialized judicial review and procedural safeguards for third parties and persons affected by verification and confiscation measures.

Introduction

For six (6) years, Kosovo has been engaged in establishing a mechanism for the civil confiscation of unjustified assets. During this period, the Government has approved the Draft Law on the State Bureau for Verification and Confiscation of Unjustified Assets four times, through several stages of drafting, consultation, parliamentary scrutiny and constitutional review. The Constitutional Court has struck down the Law twice (2), once because of its content and once because of the adoption procedure. The Government's most recent approval was on 26 September 2026, while on 5 October 2026 the Assembly adopted the Draft Law at first reading with 81 votes in favour.

The aim of establishing an effective mechanism for the verification and confiscation of unjustified assets is legitimate and important. However, given the Bureau's sensitive powers in relation to property rights and the legal position of persons subject to proceedings, the way this mechanism is designed is as important as its purpose. The legal framework must be clear, foreseeable and equipped with sufficient safeguards against arbitrariness.

KLI has been actively involved in this process since the drafting of the Concept Document on the Confiscation of Unjustified Assets and subsequently throughout the drafting of the Law. KLI has participated in working groups, consistently submitted comments and recommendations, and published dedicated analyses of the constitutional, legal and practical aspects of this mechanism.

The latest version for public consultation was published in July 2026. Following the consultations, the Ministry of Justice addressed a considerable number of the issues raised by KLI, and the approved version represents significant progress compared with earlier drafts. Nevertheless, several important issues still need to be addressed.

To facilitate this process and provide a concrete contribution to the consideration of the Draft Law between its two readings in the Assembly, KLI is publishing this Parliamentary Research report. The report follows a parliamentary research approach: for each issue identified, it presents the problem, the legal reasoning and the precise wording of the proposed amendment. This enables members of the Assembly to propose changes to the Draft Law directly, with a view to addressing the remaining constitutional and legal gaps and strengthening legal certainty and procedural safeguards before final adoption.

Amendment 1 – Election of the Bureau’s leadership

This amendment is proposed because the Draft Law’s current provisions on the majority required to elect the Bureau’s Director General and the members of the Oversight Commission elected by the Assembly are inadequate to guarantee the institution’s necessary independence.

Article 25, paragraph 8, of the Draft Law provides that members of the Oversight Commission elected by the Assembly shall be elected by secret ballot, by a majority of the votes of members present and voting. The Draft Law follows the same approach in Article 30, paragraph 13, for the election of the Bureau’s Director General.

For an institution such as the Bureau, this majority is insufficient to guarantee its independence and the necessary level of parliamentary support. The Bureau is not an ordinary administrative institution. It will have exceptionally sensitive powers affecting property rights, privacy, personal data and the legal position of persons subject to verification proceedings. Its governing bodies should therefore not be elected by the lowest parliamentary majority.

This issue is particularly important in relation to the Director General, who is the Bureau’s key figure. The Director heads the institution, organizes its work, supervises its officials, represents the Bureau and plays a central role in conducting verification proceedings. The Bureau’s independence therefore also depends to a considerable extent on how its Director is elected.

If the Director is elected only by a majority of members present and voting, they could be elected solely with the votes of the governing majority. Such an arrangement weakens safeguards for the institution’s actual independence and may create the perception that the Bureau depends on the political majority that secured the election of its head.

The manner in which an institution’s leadership is elected is one of the principal safeguards of its independence. The lower the majority required for election, the greater the risk that these positions will be politicized or, at least, perceived as politicized. For an institution tasked with asset verification and civil confiscation, this risk must not be overlooked, including in terms of its appearance of independence.

Article 80, paragraph 1, of the Constitution establishes the general rule that laws, decisions and other acts are adopted by the Assembly by a majority of the votes of members present and voting, except where the Constitution provides otherwise. However, this general rule does not prevent legislation from establishing stronger safeguards for the election of holders of certain offices where the institution's nature and powers justify doing so.

The Constitutional Court also addressed this issue in Judgment KO46/23. The Court emphasized that, notwithstanding the general rule in Article 80 of the Constitution, the legislature had previously established higher majorities for electing members of independent institutions through specific laws. Accordingly, providing for a higher majority by law is not contrary to the Constitution and may, in certain cases, provide an additional safeguard for an institution's independence¹.

The Venice Commission's position is consistent with this approach. In the views recalled by the Constitutional Court, the Commission emphasized that introducing a stronger statutory safeguard intended to reinforce an institution's independence and representative character raises no constitutional concern².

Furthermore, in its Follow-up Opinion on the Draft Law on the Bureau, the Venice Commission emphasized that the Director General continues to hold a dominant position throughout the process. For this very reason, the Commission identified election of the Director by a qualified majority, accompanied by an appropriate anti-deadlock mechanism, as one possible solution³.

Given the importance of the functions exercised by the Director General and the members of the Oversight Commission, and the need to guarantee the Bureau's actual and perceived independence, it is proposed that these office-holders be elected by at least a majority of all members of the Assembly, namely sixty-one (61) votes, rather than merely a majority of members present and voting.

Such an arrangement is consistent with legislative practice in Kosovo and the standards emphasised by the Constitutional Court and the Venice Commission.

¹ Judgment KO46/23, paragraph 448. Constitutional Court of the Republic of Kosovo.

² Ibid., paragraph 448, in which the Constitutional Court recalls the Venice Commission's position concerning the case of Bulgaria.

³ Venice Commission. CDL-AD(2022)052. Follow-up Opinion on Draft Law No. 08/L-121 on the State Bureau for Verification and Confiscation of Unjustified Assets. Paragraphs 16 and 17.

Above all, it provides an additional safeguard for strengthening the Bureau's institutional independence.

Proposed amendment:

Article 25, paragraph 8, shall be reworded as follows:

8. The members of the Commission elected by the Assembly shall be elected by secret ballot, by a majority of the votes of all members of the Assembly, from the shortlist of candidates for each position advertised through an open competition.

Article 30, paragraph 13, shall be reworded as follows:

“13. The Assembly shall elect the Director General by secret ballot, by a majority of the votes of all members of the Assembly.”

Amendment 2 – Specialization at second instance

This amendment is proposed because the Draft Law provides for judicial specialization in civil confiscation cases only at first instance, without applying the same standard at second instance.

Article 3, paragraph 1, subparagraph 1.2, of the Draft Law defines the first-instance court as the Civil Confiscation Division within the General Department of the Basic Court in Prishtina, with jurisdiction over the entire territory of the Republic of Kosovo. By contrast, subparagraph 1.3 of the same article designates the Civil Division of the General Department of the Court of Appeals as the second-instance court.

This arrangement is inadequate. By establishing a dedicated Civil Confiscation Division at first instance, the Draft Law itself recognizes that these cases are distinctive and require specialized judges. Yet the same approach has not been followed at second instance. On appeal, these cases remain within the Civil Division of the General Department of the Court of Appeals, without any specific guarantee of specialization.

This creates a clear inconsistency within the system established by the Draft Law. If these cases are sufficiently distinctive to require a separate division at first instance, there is no reason not to apply the same approach at second instance. Otherwise, specialization is established only for the first stage of judicial proceedings, while the appeal stage, which is equally important for protecting

the parties' rights and ensuring the proper application of the law, remains within the ordinary civil court structure.

The need for specialization at second instance is even greater in light of the role assigned to the Court of Appeals by the Draft Law. Reviewing appeals in these cases does not involve merely a formal check of the first-instance court's decision. The Court of Appeals may examine the substance of the grounds of appeal and the factual and legal issues in the case, including, under the conditions prescribed by law, taking and assessing evidence.

Furthermore, first-instance decisions may be challenged on the grounds of erroneous or incomplete findings of fact and incorrect application of substantive law. The second-instance court will therefore have to assess the substance of cases as well as procedural issues.

In this context, the Court of Appeals will have to address complex factual and legal issues concerning the origin of assets, the relationship between income and assets, the burden of proof, the position and rights of third parties, transferred assets, substitute assets, security measures, the civil standard of proof and other specific issues arising from the civil confiscation system.

For this very reason, the lack of specialization at second instance poses a serious problem. The risk concerns more than the efficiency or duration of proceedings. It also concerns inconsistent treatment of cases, the failure to develop settled case law and a decline in the quality of judicial review.

This is particularly important because these proceedings directly affect property rights and may result in the final confiscation of assets. Specialized judicial expertise should therefore not be provided at only one instance.

It would be inconsistent for first-instance judges handling these cases to receive dedicated training and specialization in civil confiscation, while their decisions are reviewed at second instance within the general civil court structure, without the same institutional guarantee of specialization.

For these reasons, it is proposed that the specialization envisaged by the Draft Law be developed fully and coherently by establishing a Civil Confiscation Division within the General Department of the Court of Appeals as well.

Such an arrangement would ensure specialization at both judicial instances, improve the quality of judicial decision-making, develop lasting expertise and foster more uniform case law in an area involving complex legal and factual issues.

Proposed amendment:

Article 3, paragraph 1, subparagraph 1.3, shall be reworded as follows:

"1.3. Second-instance court – the Civil Confiscation Division within the General Department of the Court of Appeals;"

Article 86, paragraph 9, shall be reworded as follows:

"9. No later than three (3) months after the entry into force of this Law, the Kosovo Judicial Council shall take the necessary measures to establish and make operational the Civil Confiscation Division within the General Department of the Basic Court in Prishtina and the Civil Confiscation Division within the General Department of the Court of Appeals."

Amendment 3 – Verification after leaving public office

This amendment is proposed because Article 37, paragraph 2, of the Draft Law still fails to define clearly the criterion on which the Bureau may extend verification to the period after an official has ceased to hold public office.

Under the current provision, the Bureau may extend verification for no more than five (5) years after the end of public office if it assesses or establishes that assets acquired after leaving office are "substantially higher" than lawful income or assets acquired while holding public office.

This wording is inadequate. The Draft Law does not explain what "substantially higher" assets means. It sets no threshold, percentage or measurable criterion for the Bureau's assessment. For a provision allowing verification to be extended beyond the end of public office, this standard is insufficient. This was also the problem identified in KLI's report.

This is not merely a technical issue, but a matter of legal certainty. In Judgment KO46/23, the Constitutional Court emphasized that asset confiscation constitutes interference with the right to protection of property guaranteed by Article 46 of the Constitution and Article 1 of Protocol No. 1 to the ECHR. The rules permitting

such interference must therefore be clear and foreseeable. KLI's report emphasizes precisely this standard in relation to extending the verification period.

Where the law merely states that assets must be “substantially higher”, the criterion is left to the Bureau's assessment rather than defined by law. This creates broad discretion and may result in different treatment of similar cases. In relation to the previous law, the Constitutional Court warned that ambiguities concerning the verification period could allow public authorities, including the Bureau, broad interpretative discretion, to the detriment of legal certainty.

It is therefore proposed that the undefined standard of “substantially higher” be replaced with a clear, measurable criterion. The threshold of twenty-five thousand (25,000) euros is also consistent with the Draft Law's own approach, which uses the same amount as the relevant threshold for a discrepancy between income and assets during verification and for referring the case for confiscation.

This amendment retains the possibility of extending verification to the period after a person leaves public office, while placing it on a statutory footing that limits the Bureau's discretion and makes the application of the provision clearer and more foreseeable.

Proposed amendment:

Article 37, paragraph 2, shall be reworded as follows:

By way of exception, the Bureau may also extend verification to assets acquired after the period of public office, for no more than five (5) years after the official has ceased to hold public office, if, on the basis of the available data, the discrepancy between the value of assets acquired during that period and lawful income earned during the same period exceeds twenty-five thousand (25,000) euros.

Amendment 4 – Preliminary confirmation of the confiscation application

This amendment is proposed because the Draft Law continues to link the shift in the burden of proof to the party to the filing of a confiscation application with the Court, rather than to the Court's preliminary confirmation of its merits.

Under Article 47 of the Draft Law, upon receiving the confiscation application and evidence, the Court examines whether the application meets the legal requirements and, if it is unclear or incomplete, returns it to the Bureau for correction and completion. Where the application is found to comply with the requirements of this article, it is served, together with the evidence, on the party to the proceedings and any known third party. In essence, this is a check of the application's formal compliance and completeness. The Draft Law does not require the Court at this stage to confirm its merits as well, at least *prima facie*.

Article 48 then gives the party the right to object to the application. The grounds for objection include a claim that the assets proposed for confiscation have a justified origin. Thus, already at this stage, the party is required to argue that the assets are justified, before the Court has made a preliminary finding that the Bureau has presented sufficient substantive grounds for the proceedings to continue.

However, the problem becomes even clearer in Article 51.2 of the Draft Law. This provision stipulates that, after the application is filed with the Court, the party to the proceedings must prove that the assets covered by the application have a justified origin or provide evidence that they are unable to obtain the necessary evidence. Under the current wording, the shift in the burden of proof is therefore directly linked to the Bureau's filing of the application, rather than the Court's preliminary confirmation that there are sufficient grounds for further examination.

This approach is inadequate for proceedings of such a sensitive nature, which may result in the civil confiscation of assets. The burden of proof should not shift automatically to the party merely because the Bureau has filed an application with the Court. Before the party is required to prove that the assets have a justified origin, the Court must establish that the Bureau has submitted a reasoned application, sufficient evidence and a credible basis warranting further examination of whether the assets are justified. This is precisely the approach recommended in KLI's report.

This is also consistent with the rationale underlying the Venice Commission standards discussed in the report. A shift in the burden of proof is not unusual in civil confiscation systems, but the state must first present sufficient grounds to justify that shift. Merely identifying a discrepancy between assets and income should not suffice; there must be a clear basis supporting the Bureau's claim.

It is therefore proposed that the existing mechanism under Article 48 be supplemented with a mandatory stage of preliminary confirmation of the confiscation application. The Court must decide by ruling whether to confirm the application, regardless of whether the party has lodged an objection.

The application should be confirmed only where the Court finds that the Bureau has submitted a reasoned application, sufficient evidence and a credible basis for further examination. Only after this confirmation should the burden of proof shift to the party to the proceedings. This preserves the balance between the public interest in confiscating unjustified assets and the protection of the party's procedural rights, while ensuring that the Court acts as a substantive safeguard rather than merely checking the application's formal and technical compliance.

Furthermore, the ruling confirming the application must be subject to effective review by the second-instance court. The Draft Law currently allows an appeal against the ruling issued at the objection stage but provides that it has no suspensive effect. Since confirmation of the application will have the most significant procedural consequence for the party—the shift in the burden of proof—the proceedings should not advance to the hearing stage, and the burden should not take effect, before the confirmation ruling becomes final.

For these reasons, the amendment proposes that the Bureau's filing of the application should no longer trigger the burden of proof. This consequence should arise only after the Court has preliminarily confirmed the application following a substantive assessment, at least *prima facie*, of its evidence and grounds, and after the confirmation decision has been subject to any review at second instance.

Proposed amendment:

The title of Article 48 shall be reworded as follows:

"Article 48

Objection to and preliminary confirmation of the confiscation application"

Article 48, paragraph 4, shall be reworded as follows:

“4. Upon receipt of the Bureau's written response, or upon expiry of the time limit within which the Bureau could respond, or, where the party has not lodged an objection, upon expiry of the time limit under paragraph 1 of this article, the Court shall, without holding a hearing, examine the confiscation application, the evidence submitted by the Bureau and the party's objection, where lodged, and issue a reasoned ruling whereby it shall:”

“4.1. confirm the confiscation application only if it finds that the Bureau has submitted a reasoned application, sufficient evidence and a credible basis warranting further examination of whether the assets are justified, and, where an objection has been lodged, reject that objection;”

“4.2. decline to confirm the confiscation application and reject it as unfounded where the conditions under subparagraph 4.1 of this article have not been met, declaring the proceedings concluded; or”

In Article 48, paragraph 5, the sentence “The appeal shall have no suspensive effect.” shall be replaced with the following sentence:

“An appeal against a ruling confirming the confiscation application shall have suspensive effect.”

Article 49, paragraph 1, shall be reworded as follows:

“1. Once the ruling confirming the confiscation application has become final, the Court shall schedule a hearing to examine the confiscation application.”

Article 51, paragraph 2, shall be reworded as follows:

“2. Only after the confiscation application has been confirmed by a final ruling shall the party to the proceedings be required, at the hearing, to prove that the assets covered by the application have a justified origin or provide evidence that they are unable to obtain the necessary evidence.”

Amendment 5 – Compensation when proceedings end without confiscation

This amendment is proposed because, although Article 80 of the approved Draft Law contains significantly improved provisions compared with the version

published for public consultation, compensation for parties where proceedings are unsuccessful has still not been fully addressed.

Under the current version, a party or third party is entitled to seek compensation for damage caused by a security measure only where a final decision has established that the measure was unfounded or was not justified under the law. The Draft Law also provides for compensation for damage caused by unlawful acts or omissions or improper implementation during verification, enforcement of a measure or asset administration.

These changes represent an important improvement. However, they do not cover situations where a security measure was lawfully imposed and justified at the time, but the confiscation proceedings ultimately prove unsuccessful. Under the current wording, a party in such a case may have suffered actual damage without a clear legal basis for compensation, since the measure has not been declared unfounded or unlawful.

This is precisely the issue raised in KLI's report. The security measures envisaged by the Draft Law may significantly interfere with the party's property rights. They may prohibit the disposal or use of assets and access to funds. In practice, the party may be unable to sell or use assets, access funds, make payments, conduct economic activities or preserve the value of the assets. The proceedings may also give rise to other direct costs.

If the proceedings ultimately end without confiscation, compensation for these consequences should not necessarily depend on whether the party can prove that the Bureau, the Court or another institution acted unlawfully. Unlawful conduct could potentially give rise to separate criminal liability. Damage may also occur in the absence of unlawful conduct. A measure may have been permissible and reasonable when imposed, but, after all the evidence has been taken, the assets may be found to be justified and the confiscation application rejected. KLI's report expressly identified this distinction.

The Venice Commission also addressed this issue clearly. In its Opinion on the Draft Law on the Bureau, the Commission noted that the Draft Law did not regulate compensation for damage suffered by a party to confiscation proceedings as a result of interim measures, including the inability to dispose of frozen assets and the loss of asset value. The Commission therefore recommended clarifying that compensation may be sought where confiscation proceedings ultimately prove

unsuccessful and introducing provisions governing the procedure for bringing compensation claim^{4s}.

The requirement is therefore not merely for the law to recognize compensation where unlawful conduct has been established. Rather, the unsuccessful outcome of proceedings itself, combined with damage caused by measures taken during those proceedings, should be capable of providing a basis for compensation. The right to compensation in civil recovery proceedings may be linked to the final outcome and the damage caused by the measure, rather than solely to a finding of fault or unlawful conduct on the part of the authority.

The amendment therefore proposes that this basis be expressly set out in the Draft Law. The party must prove the damage, its amount and its causal connection to the measure, but should not bear the additional burden of proving unlawfulness or fault on the part of the Bureau where the proceedings have ultimately ended without confiscation. This distinguishes this specific basis of liability from conventional liability for unlawful conduct, which the amendment retains separately.

The amendment also expressly identifies the main types of compensable damage: loss of asset value, inability to use or dispose of assets, lost profit, reasonable expenses and non-pecuniary damage where proven. This is also consistent with the general framework of the Law on Obligational Relationships, which recognizes actual loss and lost profit as categories of pecuniary damage.

As regards procedure, the proposal provides for claims to be examined by the specialized court competent under this Law, rather than leaving the party to pursue only ordinary civil proceedings without a direct connection to the confiscation proceedings.

The proposed three (3) year time limit aligns this specific remedy with the general rule under Kosovo's Law on Obligational Relationships [Article 357], under which a claim for compensation becomes time-barred three years after the claimant becomes aware of the damage and the person responsible.

Proposed amendment:

⁴ Venice Commission, Opinion on the Draft Law N°08/L-121 on the State Bureau for Verification and Confiscation of Unjustified Assets, CDL-AD(2022)014, 20 June 2022, paragraph 68 and paragraph 74, point 5(g).

Article 80 shall be reworded as follows:

1. A party or third party shall be entitled to seek compensation for damage caused by a security measure, a restriction on the use or disposal of assets, or asset administration under this Law, where:

1.1. verification proceedings end without a confiscation application being filed in respect of the assets to which the measure was applied; or

1.2. a final decision rejects or dismisses the confiscation application, or the proceedings end without confiscation of all or part of the assets.

2. The right to compensation under paragraph 1 of this article shall apply to the portion of the party's assets that has not been confiscated and shall not be conditional on establishing fault on the part of the institution. In such cases, the institution's fault shall be presumed.

3. Compensation under this article shall cover the following, insofar as the damage is proven to have been directly caused by the measure or restriction imposed under this Law:

3.1. loss or reduction in the value of the assets;

3.2. damage caused by the inability to use or dispose of assets or funds;

3.3. lost profit;

3.4. reasonable and necessary expenses directly caused by the measure and the proceedings, insofar as they have not been compensated on another legal basis; and

3.5. non-pecuniary damage, where the conditions for compensation under the legislation on obligational relationships are met.

4. The claimant shall prove, on the civil standard of the balance of probabilities, the existence and amount of the damage and the causal connection between the measure or restriction and the damage claimed. For compensation under paragraphs 1 and 2 of this article, the claimant shall not be required to prove fault or unlawful conduct on the part of the institution.

5. The Bureau shall be liable for damage caused by a security measure under paragraph 1 of this article. The institution that administered the assets shall be liable for damage arising from the manner of their administration, to the extent that such damage was caused by that administration.

6. Notwithstanding paragraphs 1 and 2 of this article, a party or third party shall also be entitled to seek compensation for damage caused by unlawful acts or omissions or improper implementation during verification, enforcement of a measure or asset administration. The institution whose act or omission caused the damage shall be liable for it.

7. A claim for compensation under paragraphs 1 and 2 of this article shall be brought before the first-instance court competent under this Law no later than three (3) years from the date on which the decision concluding the proceedings without confiscation became final or, as applicable, from the date on which the party was notified that verification proceedings had ended without a confiscation application being filed.

8. The Court shall decide on the compensation claim in accordance with the rules of contested procedure. An appeal against the decision may be lodged with the second-instance court.

9. Matters concerning compensation for damage not regulated by this article shall be governed, mutatis mutandis, by the provisions of the legislation on obligational relationships and contested procedure.

Amendment 6 – Legal remedy for third parties

This amendment is proposed to supplement the procedural safeguards for third parties to whom verification proceedings are extended.

The approved version of the Draft Law represents considerable progress compared with the version published for consultation. Article 39 now provides that the mere transfer of assets is insufficient to extend verification. Before extending verification, the Bureau must collect relevant information, and verification may be extended only where there are reasonable grounds

concerning a lack of good faith, a sham transaction, concealment of assets or avoidance of confiscation.

The Draft Law also sets objective factors for this assessment, clarifies that no single circumstance is decisive, requires a reasoned decision by the Director General supported by facts and evidence and, in principle, limits verification to the transferred assets. The substantive part of the recommendation concerning third parties has therefore been addressed.

However, a legal remedy against the decision to extend verification itself remains expressly unregulated. The rights enjoyed by a third party at later stages do not replace the right to judicial review of the decision initially bringing that party within the verification proceedings.

It is therefore proposed that a third party be entitled to challenge the decision before the Court competent under this Law. To avoid creating a new parallel procedure and duplicating procedural provisions, it is proposed that Article 48 apply *mutatis mutandis* to the lodging, examination and determination of objections, as well as the right of appeal.

This addition completes the framework under Article 39 in terms of effective legal protection for third parties, without burdening the Draft Law with repetitive procedural provisions.

Proposed amendment:

After Article 39, paragraph 5, a new paragraph 6 shall be added as follows:

"6. A third party shall be entitled to lodge an objection with the Court against the decision under paragraph 4 of this article. The provisions of Article 48 of this Law shall apply mutatis mutandis to the lodging, examination and determination of the objection, as well as the right of appeal."