



Notes on completing the NON-OWNERSHIP CLAIM FORM IN REORGANISATION PROCESS

1. INTRODUCTION

The following notes are provided to assist claimants with completion of the Non-Ownership Reorganisation Claim Form (R25a Proof of Claim). If you are in doubt about any aspect of your claim you are strongly advised to seek independent legal advice and assistance. Such assistance cannot be provided by the Privatisation Agency of Kosovo.

Please especially note that the claim form must be signed. Faxes or copies will be accepted but the Administrator reserves the right to request an original at any time.

The Claim Form uses the same references as used in art. 34 of the Law on the reorganization of certain enterprises and their assets, and is designed under the provisions of art. 17.4 of the same law.

1.1 NAME OF SOCIAL ENTERPRISE

Name of Social Enterprise is essential to note, as only in this way can be identified and your claim to become possible after for review of the Administrator.

1.2 NAME and ADDRESS OF THE CLAIMANT

The CLAIMANT is the natural or legal person who has claim(s) against the Socially Owned Enterprise.

If you are a natural person please enter in this box your the full name, postal address and contact telephone number(s), fixed and mobile if possible.

If you are a legal person please enter your registered name (and any alternative names), registered postal address, telephone number and name of a contact person.

2. SECURED CLAIMS AND PLEDGES; MORTGAGES OR OTHER COLATERALS

Check [X] the appropriate box if your claim is a secured claim. Describe the nature of the claim, when and how the claim arose and the particulars of any collateral held, the value of such collateral, the date it was given and details of any registration or (pledges, mortgages, liens, etc.). State separately the value of the collateral, the principal debt, the accumulated interest and/or any penalties that are applicable according to the contract or to the law.

State and provide proof where the secured claim is registered and registration dates.

Please provide (additional paper) sufficient details of the assets on which the pledge / mortgage is pretended (valid contract, physical location, etc.) so that it can be physically identified. If possible, also submit an evaluation of the individual value of each asset (asset).

Attach copies of contracts given by Enterprise that proves mortgage or collateral and also identify the assets given as security for the amount claimed.

2.1 TYPE(S) and AMOUNT(S) of CLAIM(S)

Select the type(s) that correspond most closely to the claim(s) being made and enter the total claimed amount for each type (e.g. several invoices for goods), attach a separate list identifying the individual items, their values and the total as entered in the form. If it is not possible in all cases to give an accurate figure, then enter an estimated figure and describe it as an estimate.

State separately interest amount if it is applicable to your claim, in accordance with the article 31.3 of the Law on the reorganization of certain enterprise and their assets. Provide details how interest rate is calculated and provide proof for the legal base of this calculation.

If the amount is not in EUR, state in what currency the claim is filed. If claim is filed in EUR based on transformation of other currency claim, provide details of the currency exchange rate used, dates, source and details of calculations. If the claimed amount is in EUR based on invoice value or other supporting document, please fill only the amount in EUR.

3. CLAIMS FOR LABOUR RELATIONS

The entitlement of SOE workers in a PAK Reorganisation deserves additional elaboration:

3.1 Workers of an SOE in reorganization may file a claim for their entitlements under section 10 of UNMIK Regulation 2003/13 of 9 May 2003 on the Transformation of the Right of Use to Socially-Owned Immovable Property, only if the reorganization plan comprises privatization of the unit in which they have been assigned to work by their employment contract with the SOE. In case the SOE is reorganized without being privatized such claims are inapplicable.

3.2 Former employees may file a claim for payment of unpaid wages from Social Enterprise. The claim must include the monetary value and the number of unpaid wages. The monetary value of three gross unpaid wages for work performed prior to the Moratorium Decision will be categorized as priority payment for the effect of scale of priority of payment under Article 34.1.3 of the Law on the reorganization of certain enterprises and their assets. The residual value of the approved claim shall be classified as a payment demand and non-priority unsecured under Article 34.1.5 of the Law on the reorganization of certain enterprises and their assets.

The gross amount of the claim shall include dues to the Tax authority and the Pension Fund based on the provisions of personal income tax and pension laws and shall be entitled as preferential payment to both Tax Administration and Pension Fund.

4. UNSECURED CLAIMS FOR TAXES, AND OTHER DEBTS TO PUBLIC AUTHORITIES

Unsecured claims to Tax Administration of Kosovo based on tax on rent, presumptive tax, corporate tax, personal income tax and value added tax including the property tax due to the Municipalities shall be claimed in its total amount and separately for interest and penalties. These claims shall be ranked according to Article 34.1.4 of the Law on the reorganization of certain enterprises and their assets.

5. UNSECURED CLAIMS

Any other unsecured claim in liquidation shall be filed by checking [X] the appropriate box the type of claim, e.g. "Domestic Suppliers" or "Electricity" to the KEK claim. Claimants must be sure that they provide details for the amount of their claim and separately the applicable interest and legal base of its calculation. If your application can not be categorized in any of the types

listed alongside the relevant boxes, enter the last box "Claims-other". Please provide additional details in a letter of any claim against the Enterprise.

5. SUPPORTING DOCUMENTS

Write here a summary of the documents that will be attached to the form in support of your application. If there is insufficient space to list all the documents being attached, please use a separate sheet of paper

DO NOT SEND ORIGINAL DOCUMENTS – attach only copies that you have authenticated as true copies of the original documents upon which your claim is based.

6. STATEMENT OF TRUTH

Please ensure that this Statement is completed. Enter the name of the Claimant (the natural/legal person). If the claim is made from the authorized person in the name of claimant, the authorized person shall sign the form too. Verified authorization legally shall be attached to the form. Finally, signatures must be handwritten originals.

Warning: Any person who knowingly submits a claim that is false and fraudulent may be prosecuted.