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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ALBANIA**

**DRAFT LAW <sup>1</sup>**

**ON THE FINALIZATION  
OF TRANSITIONAL OWNERSHIP PROCESSES**

**ADOPTED ON 7 MAY 2020**

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<sup>1</sup> *Official translation*

**REPUBLIC OF ALBANIA****THE ASSEMBLY****LAW****No. 20/2020****ON THE FINALIZATION OF TRANSITIONAL OWNERSHIP PROCESSES  
IN THE REPUBLIC OF ALBANIA**

Pursuant to Article 78 and point 1 of Article 83 of the Constitution of the Republic of Albania, as proposed by the Council of Ministers,

*THE ASSEMBLY OF THE REPUBLIC OF ALBANIA*

*DECIDED:*

**CHAPTER I****GENERAL PROVISIONS**

## Article 1

**Object**

This law determines the procedures and the state body responsible for the finalization of transitory legal-administrative processes, the registration of ownership titles for immovable properties under state and private ownership in the Republic of Albania, as well as their inventory, transfer, treatment and final registration.

## Article 2

**Purpose and scope**

The purpose of this law is to:

1. Establish a simplified and harmonised legal basis for the completion of transitory legal-administrative processes for the treatment of state and private immovable property, by determining the norms on the:

a) registration of ownership titles, issued in accordance with the legal and sub legal acts on ownership over agricultural land, approved prior to the entry of this law into force;

b) finalization of the transfer of ownership without remuneration of the agricultural lands of former cooperatives and former agricultural enterprises to their users;

c) legalisation and registration in the immovable properties public register of the illegal constructions, buildings and the respective functional plots, which lack the acquiring' acts of the ownership and of courtyards in use;

ç) regulation of the ownership relations in territories defined as "stimulated areas, with tourism development priority," which have given in use to "stimulated persons, "in accordance with Law No. 7665, dated 21 January 1993, "On the development of tourism-priority areas," repealed;

d) completion of the state-owned immovable properties' inventoring process, update of inventories of immovable properties of the central government and those transferred to local government units prior to the entry of this law into force, as well as their registration in the public register;

dh) addressing overlapping and issues resulting from material mistakes, irregularities in the implementation of the law, or omissions by state bodies in the area of immovable property ownership;

e) finalization of ownership transfer procedures for:

i) non-privatised plots of privatised buildings, in accordance with Law No. 7512, dated 10 August 1991, "On sanctioning and protection of free initiative, private property, independent private activity, and privatisation," repealed;

ii) non-privatised plots of the buildings sold by state enterprises, prior to the entry into force of Law No. 7512, dated 10 August 1991, "On sanctioning and protection of free initiative, private property, independent private activity, and privatisation," repealed;

iii) non-privatised plots on which constructions have been built based on construction permits issued by local government bodies from 10 August 1991 and on, as well as plots of constructions or buildings of former agricultural cooperatives, the sale of which has been conducted by former agricultural cooperatives or local government bodies.

2. Coordination of transitory processes provided herein with the property treatment process that is regulated by the legislation on property treatment and finalization of the property compensation process.

3. Standardisation and unification of cartographic documentation on the registration of property in the immovable properties public register.

### Article 3

#### **Principles of the process**

Administrative activity on the finalization of property transitory processes shall be led by the following fundamental principles:

a) rule of law;

b) legal certainty;

c) transparency;

ç) legacy;

d) equality and non-discrimination;

dh) objective review of cases; and

e) any other principle envisaged in the Administrative Procedure Code.

### Article 4

#### **Definitions**

For the purpose of this law, the following terms shall mean as follows:

1. "Legal and sub legal acts on ownership over agricultural land" shall mean Law No. 7501, dated 19 July 1991, "On land," as amended; Law No. 8053, dated 21 December 1995, "On agricultural land ownership transfer without remuneration," as amended; Law No. 9948, dated 7 July 2008, "On the examination of legal validity of the creation of ownership titles on agricultural land," as amended; Law No. 57/2012, "On the completion of the ownership transfer process for the agricultural land of former agricultural enterprises to beneficiaries"; Law No. 171/2014, "On the completion of legal procedures on the ownership transfer of former agricultural enterprises agricultural land to beneficiaries", as amended, as well as the sub legal acts that have regulated legal relations on the distribution in ownership or use of agricultural land after 1991.

2. "Land Ownership Acquiring Act" or "AMTP" [In Albanian: Akti i Marrjes së Tokës në Pronësi] shall mean the administrative act issued - prior to the entry of this law into force - by competent bodies specified in legal and sub legal acts on ownership over

agricultural land, which was intended to the transfer of ownership over state-owned land in favour of private law subjects.

3. "Land Usage Acquiring Act" shall mean the administrative act issued - prior to the entry of this law into force – by competent bodies determined in legal and sub legal acts on ownership over agricultural land, which was intended to granting state-owned land for use, in favour of private law subjects.

4. "Purpose of the illegal construction" shall mean the intention of destination of the illegal construction, which may be for "dwelling" (housing) or "socio-economic" purposes, which include economic, social, cultural activity, or any other legal intention.

5. "Mortgage or lien" shall mean the institute of law, in accordance with the meaning given in the Civil Code, which serves to guarantee the fulfilment of obligations by subjects that benefit ownership transfer of immovable properties, in accordance with this law.

6. "Former Cooperative and/or former agricultural enterprise" shall refer to cooperatives and/or agricultural enterprises in accordance with the meaning provided by the legislation that was effective until 1 August 1991.

7. "List of state-owned properties" shall mean the inventory of the immovable properties of the state, which belong to the central government, and the list of public properties transferred to the ownership of local government units, approved prior to the entry of this law into force.

8. "Final list of state-owned properties" shall mean the inventory of the immovable properties of the state, which belong to the central government, and the list of public properties transferred to the ownership of local government units, after their update, in accordance with chapter IV of this law.

9. "Legalisation," for the purpose of this law, shall mean the administrative-legal process conducted by the State Cadastre Agency, on the completion and registration of ownership titles of illegal constructions.

10. "Fictive overlapping" shall mean all cartographic overlapping caused by material mistakes and inaccuracies in the cadastral map or by elements of the ownership titles.

11. "Leasing and development agreement" shall mean the agreement signed between the stimulated person and the lessor, which determines the specific criteria for the fulfilment of the stimulated activity, in accordance with Law No. 7665, dated 21 January 1993, "On the development of tourism-priority areas," repealed.

12. "Illegal construction" shall mean the building that is firmly and continuously fixed to the land or to other constructions; constructed after 10 August 1991, and is in one of the following types:

a) building, or extension to a registered construction, regardless of its function, constructed in absence of a construction permit;

b) building constructed in violation of the construction permit.

13. "Building in violation of the construction permit" shall mean the non-registered construction which includes extensions exceeding the construction permits or change of functions of its premises as determined in the permit.

14. "Building without ownership title" shall mean the construction for the purpose of dwelling, built by physical persons before 10 August 1991, who do not possess an ownership acquiring act.

15. "Courtyard in use" shall mean the plot without ownership title of the dwelling built before 10 August 1991, for which the ownership document is possessed.

16. "Stimulated person" shall mean the physical or juridical person that has benefitted the title of stimulated person in compliance with Law No. 7665, dated 21 January 1993, "On the development of tourism-priority areas," repealed.

17. "Main property" for the purpose of this law, shall mean the land-type asset that complies with the surface determined in the AMTP.

18. "Auxiliary property" for the purpose of this law, shall mean the additional state-owned surface, exceeding the surface determined in the AMTP, which is possessed by the owner of the main property and which, due to its dimensions or configuration, may not be used separately.

19. "Unalienable public property" shall mean public assets the ownership of which may not be transferred to private law subjects, in accordance with the provisions of the Civil Code and the legislation on the state's immovable properties.

20. "Coastal sand" and "Beach" shall mean surfaces of land along the coast, which represent unalienable public property, in accordance with the Civil Code and the legislation on the state's immovable properties.

21. "Aquatic surfaces" shall mean surfaces of land covered in river, stream, lake, reservoir, lagoons, and sea water, which are unalienable public properties, in accordance with the Civil Code and the legislation on the state's immovable properties.

22. "Plots granted for the purpose of construction, by local government bodies" shall mean plots granted through decisions of communal councils, municipal councils, or regional councils for the purpose of shelter or socio-economic constructions, prior to the entry of this law into force.

23. "State-owned plots in use" shall mean the non-privatised plots of:

a) constructions privatised through Law No. 7512, dated 10 August 1991, "On sanctioning and protection of free initiative, private property, independent private activity, and privatisation," repealed;

b) constructions sold by state-owned enterprises, prior to the entry into force of Law No. 7512, dated 10 August 1991, "On sanctioning and protection of free initiative private property, independent private activity, and privatisation," repealed;

c) constructions built on grounds of construction permits issued by local government bodies before 10 August 1991.

ç) constructions under former property of former agricultural cooperatives sold by former agricultural cooperatives or local government bodies;

24. "Public infrastructure works" shall mean roads, dams, energy plants, ports, airports, as well as any other construction or engineering works comprising public property or which serves the public, in accordance with the legislation on the state's immovable properties.

25. "Stimulated area" shall mean any part of the Republic of Albania territory, for which, - in compliance with Law No. 7665, dated 21 January 1993, "On the development of tourism-priority area," repealed – the conduct of stimulated activities and/or non-touristic/non-stimulated activities in tourism-priority areas have been approved.

## Article 5

### **The responsible authority for conducting the transitory processes**

1. The State Cadastre Agency (Hereinafter: SCA) is the public institution organised and operating in line with the provisions of the legislation in force on cadastre.

2. The State Cadastre Agency shall be the public authority responsible for the implementation of this law and for the coordination of processes, in cooperation with other central state institutions and bodies, local government units, and its composing structures, with the purpose of concluding the property transitory processes in the Republic of Albania.

**CHAPTER II**  
**TITLES ON AGRICULTURAL LAND**

Section 1

**Purpose and scope of the chapter**

Article 6

**Consolidation of the legal relationship of ownership on agricultural land**

1. The provisions of this chapter aims at the consolidation of the ownership legal relations on agricultural land, through:

a) registration of ownership titles, stemming from all legal and sub legal acts on ownership over agricultural land, which have come into effects prior to the entry of this law into force;

b) conclusion of the issuance processes of ownership title to users of lands of former cooperatives and former agricultural enterprises, who submit a relevant request until six months from the entry of this law into force.

2. The processes envisaged in point 1 of this article shall be conducted in compliance with strategic and sustainable development of the agricultural sector.

Section 2

**Registration of the land ownership acquiring act issued prior to the entry of this law into force**

Article 7

**Registration of the land ownership acquiring act**

1. The land ownership acquiring act obtained prior to the entry of this law into force, which is not registered in the immovable property register, shall not be subjected to validity verification by SCA. In the event the following criteria are cumulatively met, it (land ownership acquiring act) shall be registered in the immovable property register when:

a) the beneficiary of the AMTP was legitimated to benefit land in accordance with the legal and sub legal acts on the distribution of agricultural land or, even if he/she was not legitimated, he/she has benefitted the land for which she/he – or his/her ancestor/s - were stripped off of their ownership during the creation of the former cooperative or former agricultural enterprise;

b) the AMTP beneficiary has received land in the territory of only one former cooperative or former agricultural enterprise;

c) the land for which the AMTP was issued was not a “constructible plot (building site),” “public infrastructure works,” “coastal sand,” “beach,” or “aquatic surface,” at the time the act was issued.

2. Regarding AMTPs meeting the criteria provided in point 1 of this article, in the event of shortcomings in the aspects of form, the lack of such elements shall not prevent the relevant registration, provided that from the documentation of the agricultural land distribution process, which is administrated by SCA in accordance with point 6 of Article 68 of this law, - or the documentation submitted as evidence by the interested subject, - it results that to the interested subject it has been granted land in ownership.

## Article 8

### **Land ownership acquiring acts that can not be registered**

1. In the event the land ownership acquiring act can not be registered in accordance with Article 7 of this law, SCA, in compliance with the Administrative Procedure Code, shall inform the AMTP beneficiary on the findings, giving to the beneficiary the possibility to submit the relevant explanations and evidences within 45 days. At the conclusion of this term (45 days), the evidences shall be examined, and, on their grounds, within 30 days, a decision for registration is taken or a report is drafted and a decision on the failure to meet the conditions for registration of the AMTP is approved.

2. The relevant decision shall not produce effects on the validity or invalidity of the AMTP that can not be registered and the interested subject has the right to judicial appeal against it or to file a civil lawsuit to certify the relevant claims, in accordance with the provisions of the legislation in force. The decision on non-registration must be reasoned and be reflected in the immovable property register, along with a note on the claim on ownership right of the subject that has benefited the AMTP.

3. In the event the non-registration is decided on the grounds of letter "c" of point 1 of Article 7 of this law, the relevant SCA decision shall also be notified to the State Advocate's Office. The State Advocate's Office shall file a lawsuit on the invalidity of the act (land ownership acquiring act) and recognition of the state's ownership over the land. The failure to fulfil this obligation in accordance with this article shall constitute a cause for the initiation of disciplinary proceeding, in accordance with the legislation in force on the State Advocate's Office. The lawsuit filed by the interested subject or the lawsuit filed by the state advocate's office shall be registered in the immovable property register, in accordance with the legislation in force.

4. In the event of AMTP that meets the criteria envisaged in Article 7 of this law, it results that the surface of land has been turned into unalienable public property, after the issuance of the AMTP, then, the AMTP beneficiary, - provided that the the beneficiary has not been previously compensated, -shall have the right to compensation in accordance with the legislation in force on expropriations and private property in temporary usage for public interest, for those parts of the surface occupied by the unalienable public property. In such cases, SCA shall equip the AMTP beneficiary with the relevant attestation for the purpose of compensation. SCA shall continue the AMTP registration procedures for the other parts of the surface.

## Article 9

### **Land ownership acquiring acts registered prior to the entry of this law into force**

1. AMTPs registered in the immovable property register prior to the entry of this law into force shall not be examined by SCA, in accordance with the provisions of Article 7 of this law. The beneficiaries of the registered titles shall freely possess their assets, except in the cases of overlapping registrations, which, when not possible to be resolved in accordance with the provisions of Article 65 of this law and chapter VI of the Law "On Cadastre," shall be resolved judicially.

2. Exceptionally, in the event it is observed that the surface for which AMTP has been registered is an inalienable public property, SCA shall act as follows:

a) inform the State Advocate's Office, for the purpose of filing a lawsuit on the invalidity of the act and recognition of the state's ownership over the land, if at the time of issuance of the AMTP, the surface granted in ownership was of the type envisaged in the provisions of letter "c" of point 1 of Article 7 of this law. This also includes the cases when the ownership titles have been transferred to third parties;

b) inform the institution responsible of initiating the compensation procedure, in accordance with the legislation in force on expropriations and private property temporary usage for public interest, if the surface has been turned into public property after the issuance of the AMTP and the beneficiary hasn't been previously compensated. In such cases, SCA shall equip the beneficiary with the relevant attestation for the purpose of compensation.

In any case, only after the administration of the final court judgment or of the expropriation decision, in accordance with the legislation in force on expropriations and private property in temporary usage for public interest, the registration of the AMTP shall be erased and state ownership over the relevant property shall be registered.

3. During the initial registration, in accordance with the provisions of the legislation on cadastre, when it comes to AMTPs reflected in the old immovable properties public register (regjistrat hipotekorë), SCA shall examine the fulfilment of criteria on registration, in accordance with letter "c" of point 1 of Article 7 of this law, also in cases when titles have been transferred to third parties. In the event during such examination SCA observes that the surface is unalienable public property, it shall act in accordance with point 2 of this article.

4. The interested subject shall have the right to judicial appeal against any SCA act issued, in accordance with this article, in compliance with the provisions of the legislation in force.

## Article 10

### **Procedure on adjusting the surface and graphical visualisation of the AMTP**

1. During the procedures on the registration or adjustment of the immovable property register, SCA shall add the cartographic elements to those AMTPs that are not accompanied by cartographic documentation, or shall correct the cartographic document.

2. SCA shall verify whether all beneficiaries of agricultural land in the territory of former cooperatives and/or former agricultural enterprises possess as much surface as envisaged in the AMTP. In the event there are subjects that possess less or more compared to the AMTP, the Agency shall determine or correct the borders of the surfaces, in accordance to the quantities determined in AMTPs and shall reflect them in the cadastral map.

SCA shall provide the subject possessing less than the surface determined in the AMTP with the possibility to add such surfaces, up to the amount envisaged in the AMTP, in the event that the correction, in accordance with this point, may not be conducted and in the event that there are free state-owned surfaces in the territory of the former cooperative and/or former agricultural enterprise.

3. In the event during the adjustment and positioning of the surface in the cadastral map, in accordance with the AMTP, it results that it is impossible for the surface to be fully or partially reflected in the register in the position determined in the AMTP, SCA shall act as follows:

a) instruct beneficiaries of the AMTP and/or of other ownership titles to judicially resolve the dispute, in the event, for the same surface of land, or parts of it, more than one owner claims the registration, or in the event of adjustments, it results that other ownership titles have been previously registered. In the event of surfaces for which there



is competition of ownership titles, initial registration or adjustment procedures shall be suspended until the administration of the final court judgment;

b) proceed with full or partial refusal to register the AMTP, in compliance with point 4 of Article 24 of the Law "On cadastre," when for the same surface of land envisaged in the AMTP, or for parts of it, AMTPs or other ownership titles have been previously registered. In the event of fictive overlapping, the provisions of Article 65 and chapter VI of the Law "On Cadastre" shall apply.

The refusal of registration shall not produce effects on the validity or invalidity of the refused ownership act. The party to which registration is fully or partially refused shall have the right to resolve judicially the claims on ownership rights, in accordance with the legislation in force.

4. In the event that after the adjustment and positioning in the cadastral map, in accordance with point 2 of this Article, it results there are beneficiaries that possess additional state-owned surfaces, beyond the one envisages in the AMTP, they shall have the right to demand ownership transfer over such surfaces, up to twenty percent of the amount of the AMTP surface. The price for ownership transfer shall be the one determined in the agricultural land property value map. A lien shall be registered on purchased property surface until the payment of the price. In the event that the subject doesn't request or refuses it, the additional state-owned surface shall be transferred to the land fund, in accordance with the legislation on the treatment of property and conclusion of the property compensation process.

Exceptionally, in the event the additional state-owned surface is an auxiliary property of the main one, it shall be transferred under the ownership of the one possessing it, regardless of the ratio of the additional surface with the AMTP surface and the beneficiary shall be obliged to pay for its value. A lien shall be registered on the purchased auxiliary property surface, until the value is paid.

5. In the event that the positioning of the surface that is effectively possessed by the AMTP beneficiary is different to the one determined in the AMTP, but still within the territory of the former cooperative and/or of the agricultural enterprise, registration shall be conducted in accordance with the possessed surface, if the latter is state-owned property. In the event that the surface that is effectively possessed is located outside the territory of the former cooperative and/or of the former agricultural enterprise, or is under the ownership of third parties, and no juridical-civil agreement is reached among the parties, the surface shall be registered in accordance with the borders determined in the AMTP, except when there are disputes among parties and the case is subject of judicial examination.

6. In conclusion of the procedures in accordance with this article, in the event free state-owned surfaces are created, these shall be transferred to the land fund, in accordance with the legislation on the treatment of property and on the conclusion of the property compensation process. Surfaces subject to land ownership transfer without remuneration, in accordance with section 3 of this chapter, shall not be transferred to the land fund.

7. The rules of this article on the adjustment and positioning of surfaces shall also apply to third parties that have gained ownership over the property.

8. Interested subjects shall have the right to judicial appeal against any SCA act issued, in accordance with this article, in compliance with the legislation in force.

9. Detailed procedures on the registration of AMTPs, adjustment of borders and surfaces, as well as the norms on additional state-owned surfaces and auxiliary properties, shall be determined by decision of the Council of Ministers.

## Article 11 Implementation of court judgments

1. In the event the implementation of articles 7, 8, 9, and 10 of this law falls in contradiction with a final court decision issued prior to the entry of this law into force, the court decision shall apply. This shall also include the cases when courts have decided on the obligation to register the AMTP. The surface to be registered shall be the one in line with the size and position determined in the cartographic documentation of the court decision. In the event the surface in such documentation results to be larger than the one reflected in the AMTP, the beneficiaries shall benefit registration of the property over its entire surface, in accordance with the court decision, without any obligation to pay price for the additional surface.

2. Exceptionally, in the event it is observed that the final court judgment on the obligation to register applies on surfaces that, during the registration of the AMTP:

a) have turned into unalienable public properties, the AMTP beneficiaries, in the event they haven't been previously compensated, shall have the right to compensation, in accordance with the legislation in force on expropriations and private property in temporary usage for public interest, for the parts of the surface that include the public properties.

In such cases, SCA shall equip the AMTP beneficiary with the relevant attestation for the purpose of compensation. When it comes to the other parts of the surface, SCA shall continue the AMTP registration procedure;

b) result to have been previously registered under the ownership of third parties, SCA shall proceed by fully or partially refusing registering the AMTP, in compliance with point 4 of Article 24 of the Law "On cadastre," in the event the court judgment hasn't resolved the dispute on the competition among titles and in the event the overlapping may not be resolved in accordance with Article 65 of this law and chapter VI of the Law "On cadastre". The refusal of registration shall not produce effects on the validity or invalidity of the refused ownership act. The party to which registration is fully or partially refused, shall have the right to resolve judicially the relevant claims on ownership rights, in accordance with the legislation in force.

3. Interested subjects shall have the right to judicial appeal against any SCA act issued, in accordance with this article, in compliance with the provisions of the legislation in force.

## Section 3 Finalization of the equipment with ownership titles

### Article 12 Conditions on agricultural land ownership transfer without remuneration

1. Subjects that cumulatively fulfil the following criteria shall benefit agricultural land ownership transfer without remuneration:

a) those that have benefitted ownership or use of land, in accordance with the sub legal acts that regulated juridical relations on the distribution of agricultural land, or the granting of its use, since 1991 and on. Beneficiary subjects shall also include:

i) employees of former agricultural enterprises on 1 August 1991, the civil status of whom was transferred in the village where the land – subject to ownership transfer – is located, after 1 August 1991;

ii) persons that were not employees of former agricultural enterprises, but were residents of the village where the agricultural land – subject to ownership transfer – is located, in accordance with the civil status register on 1 August 1991;

iii) persons who were stripped off of their ownership right upon the establishment of the former agricultural cooperatives or former agricultural enterprises, or their heirs;

b) those who have not benefited agricultural land in the territory of some other former cooperative or former agricultural enterprise;

c) those who, up to 6 months from the entry of this law into force, submit a request to local government units to obtain AMTPs over the lands of former agricultural cooperatives or former agricultural enterprises, regardless of whether they are already equipped with the land usage acquiring act or not;

ç) those who are factual users of the agricultural land.

2. The land ownership of which is to be transferred without remuneration must cumulatively meet the following criteria:

a) it belongs to one of the agricultural land types;

b) it is not private property of third parties;

c) it is not subject of any form of physical compensations, in accordance with the effective legislation on the treatment of property and conclusion of the property compensation process;

ç) it is not occupied by illegal constructions of third parties or of the requesting subject;

d) it is not subject of strategic investments, in accordance with the effective legislation on strategic investments in the Republic of Albania;

In the event the restrictions listed in this point exist for part of the land surface, the transfer of ownership without remuneration shall apply only to the remaining part.

#### Article 13

##### **Surfaces that are transferred in ownership without remuneration**

1. The size of the agricultural land surface, the ownership of which is transferred without remuneration, shall be:

a) equal to the surface determined in the land usage acquiring act; or

b) equal to the rate calculated as a proportion of the current surface that results free on site with the number of beneficiaries, except for the case when the beneficiaries of surfaces, - through common agreement – agree otherwise, following the verification of criteria determined in point 2 of Article 12 of this law.

2. In the event the free surface on site is smaller than the one determined in the land usage acquiring act, the subject shall benefit the approval of ownership transfer without remuneration only for the surface that results to be free.

3. In the event the subject possesses a surface that is larger than the one specified in accordance with the rules of letter “a” of point 1 of this article, the provisions of point 4 of Article 10 of this law shall apply as analogy for the additional surface.

4. In the event the location of the surface that is effectively possessed is different from the one determined in the land usage acquiring act, but within the territory of former agricultural cooperatives and/or former agricultural enterprises, the transfer of ownership without remuneration and the registration shall be conducted according to the location of the surface possessed. In any case, the possessed surface must fulfil the criteria envisaged in point 2 of Article 12 of this law.

#### Article 14

##### **Procedure of ownership transfer without remuneration**

1. The transfer of agricultural land ownership shall be conducted by SCA, according to the list of land users approved by decision of the municipal council.

2. Within 7 months from the entry of this law into force, local government units

shall convey to SCA the requests of interested subjects for transfer of agricultural land ownership, which are administrated in accordance with law No.171/2014, "On the completion of legal procedures on the ownership transfer of former agricultural enterprises' agricultural land to beneficiaries," and Law No.9948, dated 7 July 2008, "On the examination of legal validity of the creation of ownership titles on agricultural land," as well as the requests administered according to Article 6 of this law.

3. The State Cadastre Agency shall specify the surface for ownership transfer in accordance with Article 13 of this law, in consultation with local government unit representatives, and shall verify the fulfilment of criteria for agricultural land ownership transfer without remuneration. SCA shall draft the list of factual users of the agricultural land for each former cooperative and/or former agricultural enterprise, and shall submit it to the municipal council for approval.

4. In the event the municipal council decides to overthrow the draft decision "On the approval of the list of factual users of the agricultural land," the SCA shall correct the content of the list, in accordance with the reasoned remarks of the municipal council and shall resubmit it for approval.

5. Following the approval of the list of factual users of the land, in accordance with this article, the SCA shall fill in the individual ownership transfer acts in favour of the beneficiaries and shall conduct registration, in accordance with the legislation in force on cadastre.

6. The template format of the agricultural land ownership transfer individual act and the relevant rules on issuing such acts shall be approved by decision of the Council of Ministers.

#### Article 15

#### **Leasing non-agricultural land**

1. Beneficiary subjects, in accordance with legal and sub legal acts on agricultural land, who have planted multiannual agricultural cultures in non-agricultural state-owned land, shall have the right to enter into leasing agreement without competition for such surfaces of land. The lease agreement may be signed only if the non-agricultural land surface meets the criteria stipulated in letter "b" ff. of point 2 of Article 12 of this Law.

2. The surfaces specified in point 1 of this article, shall be transferred to the agricultural land fund under the administration of the local government unit, which shall be the authority responsible for leasing procedures.

3. The criteria and procedures on leasing such surfaces shall be specified by decision of the Council of Ministers.

### **CHAPTER III**

### **ILLEGAL CONSTRUCTIONS, BUILDINGS WITHOUT OWNERSHIP TITLES, AND COURTYARDS IN USE**

#### Section 1

#### **Illegal constructions**

#### Article 16

1. The State Cadastre Agency shall create the illegal construction database which reflects the applications for legalisation. The illegal construction database shall be filled in with data collected in accordance with articles 17 ff. of this section. Each subject shall

have the right to be equipped with the relevant extract from the database regarding the submitted application.

2. The content of the database, the method to fill in it, data processing, issuance of extracts, as well as its interaction with other state databases shall be specified by decision of the Council of Ministers.

#### Article 17

##### **Scope of application and identification of illegal constructions**

1. Procedures in accordance with this section shall apply to illegal constructions identified by SCA in the orthophoto taken for the entire territory of the Republic of Albania by the authority responsible of geospatial information prior to the entry of this law into force.

2. For all the ones in possession who have not applied for legalisation until the entry of this law into force, the illegal constructions shall be treated by SCA, by its own initiative, during the initial registration or cadastral zone adjustment processes, or through illegal constructions' identification procedure.

3. The identification of illegal constructions shall be conducted by SCA, by adjusting the construction status on site, also reflecting the construction function.

4. For illegal constructions under the category of buildings in violation of the construction permit, along with the adjustment of the construction status on site, SCA shall also administrate the construction permit documentation.

5. In the event the one possessing the illegal construction, through concrete actions, doesn't allow SCA personnel to adjust construction status on site, SCA shall decide to suspend the legalisation of the construction. The process shall restart after the one in possession creates the conditions for identification.

6. The documentation and detailed rules on the identification of illegal constructions shall be specified by decision of the Council of Ministers.

#### Article 18

##### **Legalisation Criteria**

1. SCA shall conduct the qualification procedures for the legalisation of illegal constructions, on the grounds of the criteria of no-harm towards:

- a) main public infrastructure works;
- b) national road axes;
- c) territory or operability of public buildings;
- ç) integrity of cultural material assets, in accordance with the legislation on cultural heritage and museums;
- d) territories intended for strategic investments, in accordance with the legislation in force on strategic investments in the Republic of Albania;
- dh) coastline, in the framework of public interest for the development of tourism.

2. Illegal constructions that violate the abovementioned criteria shall not be legalised. These shall be registered in the database only for the purpose of recognition of the construction investment value, in accordance with Article 33 of this law.

3. In the event of buildings in violation of the construction permit, the abovementioned criteria shall result in no legalisation only for the surfaces that go beyond the construction permit, when these are divisible from the legal construction. In the event such surfaces are not divisible, buildings in violation of the construction permit shall be legalised as a whole.

4. The procedures, rules, and documentation on the implementation of this article shall be determined by decision of the Council of Ministers.

Article 19  
**Accountability in the event of disasters**

1. The ones in possession of illegal constructions that meet the legalisation criteria, shall be personally held accountable for any consequence resulting from natural causes and/or use of the construction.

2. The ones in possession shall be responsible for the damages caused in the event of disasters, as a result of factors influencing the stability of the illegal construction also in the event of transfer of property to third parties.

Article 20  
**Legalisation documentation**

1. The documentation necessary for the legalisation of the illegal construction shall include:

- a) Construction General Plan;
- b) The plan of each constructed floor and surfaces in squared metres;
- c) Expertise acts by a licensed expert or entity on the constructive stability of the building, for buildings of a height of over 4 floors, as well as on the extension to a registered construction and building in violation of the construction permit.

2. In the event of buildings in violation of the construction permit, in the legalisation documentation, along with the provisions of point 1 of this Article, SCA shall also administer the agreement act signed with the plot owner about the main construction, if built in private property, as well as the agreement act on the extension, if any. In absence of an agreement act on the extension, the right and obligations of parties for the main construction shall be the same with the rights and obligations of parties for the illegal extension.

Article 21  
**Legalisation of the Construction**

1. Within 60 days from the completion of the qualification procedures, SCA shall legalise the construction, abiding by the provisions of the legislation in force on marital assets regime.

2. The one in possession of the illegal construction shall have the right to request the completion of administrative procedures, in accordance with this section, within 30 days from the submission of the request, against the payment of an additional service fee, which shall be compulsory regardless whether the construction is legalised or not.

3. The template and rules for the issuance of the legalisation act shall be specified by decision of the Council of Ministers.

4. During administrative procedures in accordance with this section, the one in possession of the illegal construction, - by his/her own will – may renounce the right to benefit legalisation, through a notarial statement. Upon administrating such a statement, SCA shall conclude the administrative procedure and decide to exclude the construction from legalisation.

Article 22  
**Construction parcel and ownership transfer**

1. SCA shall specify the surface and configuration of the construction parcel for subjects possessing the legalised constructions.

2. In the event the one in possession of the construction is not the owner of the construction parcel, the construction legalisation act by SCA shall also serve as ownership transfer act for the plot of the parcel.

3. The specification of the construction parcel surface, the ownership of which is transferred, shall be conducted in accordance with the following rules:

a) in the event of illegal constructions for the purpose of dwelling, as a rule, the surface of the construction parcel, the ownership of which is transferred, may be up to three times the construction basis, but, in any case, not larger than 500 m<sup>2</sup>;

b) in the event of illegal constructions for the purpose of a socio-economic function, only the criteria of three times the construction basis surface shall apply. The price applied for the sale of the construction parcel, for constructions with socio-economic function, shall be the one determined in the property value map, for "constructible plots";

c) in the event that due to the dimensions or placement plan of the construction parcel free surfaces are created, which cannot separately be used for construction, their ownership shall be transferred to the one in possession of the illegal construction, in accordance with the price specified in the property value map, as approved by decision of the Council of Ministers. The transfer of ownership rights over such surfaces shall be conducted only in the event the one in possession of the illegal construction expresses their will through a written request. In any case, in the event of constructions for the purpose of dwelling, surfaces up to 500m<sup>2</sup> shall be paid against a favourable price that shall be determined by decision of the Council of Ministers, in accordance with the provisions of this law.

4. In the event of construction parcels located in assets under the administration of state institutions, upon the transfer of ownership, in accordance with this article, the responsibility of administration shall also be nullified by itself. For such surfaces, SCA shall inform the relevant institutions.

5. When it comes to construction parcels occupied by illegal constructions, which extend to properties transferred to local government units, in accordance with the effective legislation on the transfer of immovable public properties of the state to local government units, the provisions of this article shall apply, without preventing the ownership transfer registration of the parcels. SCA shall inform the local government unit on the revocation of ownership/use. The local government unit shall have the right to request the Council of Ministers to replace the properties occupied by illegal constructions with other state-owned properties that are free.

6. In the event of construction parcels that extend to private plots under the ownership of third parties, the transfer of the ownership right shall occur upon the entry of the decision of the Council of Ministers - on the compensation of non-possessing owners - into force. Up to that moment, the construction shall be registered without any relation to the plot.

7. The rights of third parties on the plot shall not obstruct the construction parcel ownership transfer.

8. The selling price of the construction parcel for illegal constructions for the purpose of dwelling shall be a favourable price, which shall be determined by Decision of the Council of Ministers. When it comes to constructions of a mixed purpose (partially "dwelling" and partially "socio-economic") both prices shall proportionally apply, in accordance with the ratio between the "dwelling" surface and the "socio-economic" activity surface".

9. The payment of the construction parcel value shall be made in ALL, in full monetary value, and through privatisation bonds. The privatisation bonds benefited by formerly prosecuted persons and by other subjects during the state-owned property privatisation process shall be treated equally to other privatisation bonds.

10. Legal mortgage shall apply on legalised property until the payment of the full value of the financial obligation for the construction parcel.

11. Detailed rules on the transfer of ownership rights and registration of legalised assets, payment, favourable price, categories of subjects that benefit exemption, as well as the deductions and percentages for the use of privatisation bonds shall be approved by decision of the Council of Ministers.

#### Article 23

##### **Cases when a subject possesses more than one illegal construction**

1. In the event a subject possesses more than one illegal construction, it shall have the right to choose, through a notarial act, for which it will benefit ownership over the construction parcel against a favourable legalisation price. For other constructions, the price specified in the property value map shall apply, as approved by decision of the Council of Ministers, as well as the service fee, regardless of the purpose, categorisation of buildings or surface of the construction parcel.

2. In the event the subject fails to submit a notarial statement, in accordance with point 1 of this article, SCA shall apply a favourable price to the construction that has the smallest construction parcel surface.

3. In the event the subject in possession of more than one construction transfers, through a notarial act, the legalisation right over one or more constructions to third parties, favourable price shall not to be applied to any of the constructions.

#### Article 24

##### **Compensation of non-possessing owners**

1. For non-possessing owners, the properties of which are occupied by legalised construction parcels, the Council of Ministers shall approve, by decision, the value of financial compensation for their respective surfaces.

2. The estimation of the compensation value shall be conducted on the grounds of the price specified in the property value map, for the "plot" type of property. The mechanics on the distribution of the financial compensation fund, created by the construction parcel ownership transfer, as well as the applicable criteria and procedures, shall be specified by decision of the Council of Ministers.

3. In the event the construction parcel plot owned by the non-possessing owner is mortgaged, the procedures on legalisation and approval of the amount and value of financial compensation shall not be obstructed. The mortgaging creditor shall have the right to pledge over the amount of financial compensation, which shall be reflected in the decision of the Council of Ministers. SCA shall place the amount of financial compensation in a special bank account, which shall not be made available to the beneficiary subject without the approval or agreement of the creditor.

The same rule shall apply for other rights of third parties on the construction parcel.

4. In the event there is overlapping of several ownership titles over the construction parcel plot, the decision of the Council of Ministers on the amount and value of financial compensation shall be approved without specifying the subject benefiting the amount. Upon the approval of such decision, SCA shall conduct the construction parcel ownership registration in favour of the one possessing the legalised construction. The amount of financial compensation shall be placed in a special bank account and shall be made available to the subject that results to be the beneficiary according to a final court judgment that solves the issue of overlapping.



#### Article 25

### **Special regulation for those possessing the parcel in accordance with a legal act that is not registered**

1. The one in possession of the illegal construction, in the event it possess the administrative act, court judgment, or the contract on the transfer of ownership of the construction parcel signed or attested before a notary public with the legal owner or with the person to whom the ownership right is transferred, regardless of the number of transactions carried out, shall submit such documentation to the SCA with the purpose of registering ownership.

For the purpose of this article, the term “contract” shall imply any juridical action on the transfer of immovable property that is recognised by the provisions of the Civil Code, in the shape of a special contract, also including agreements signed or attested before a public notary, the subject of which is the ownership of immovable property.

2. In the event of subjects meeting the criteria of this article, the construction parcel ownership registration shall be conducted by paying only the registration fee, without arrears and other applicable taxes.

3. The previous owner of the parcel who transfers the right to ownership in accordance with this article shall be stripped off of the right to property compensation.

#### Article 26

### **Disputes on rights over construction that is legalised**

1. In the event during legalisation procedures applications from two or more subjects are observed, the legalisation procedures shall continue in favour of the subject that applies first.

2. Disputes among applying subjects and claims of third parties on rights over the illegal construction or on the ownership ratios over the construction shall be resolved judicially. In the event of illegal constructions subject to judicial conflict, in accordance with this point, and which qualify for legalisation, SCA shall not suspend the administrative procedure, but shall approve legalisation without determining the beneficiaries.

3. Following the conclusion of the case, the registration of legalised property ownership shall be conducted in accordance with the final court judgment.

#### Article 27

### **Judicial conflicts on rights over the plot**

1. In the event SCA is notified by the interested party or by the court over lawsuits the subject of which is the recognition of ownership/co-ownership on the plot, invalidity of the relevant ownership title, or any disputes of third parties over the ownership ratios on the plot, who have no claims on the illegal construction, the legalisation procedure shall not be suspended.

2. An interim court judgment for an injunction measure shall constitute cause for the suspension of the legalisation procedure only in the event the court explicitly orders such a suspension.

3. In such cases, financial compensation shall be approved without determining the beneficiary subject. The amount of financial compensation shall be placed in a special bank account and shall be made available to subjects resulting to be beneficiaries following the adjudication of the lawsuit by final court judgment.

## Article 28

**Lawsuits on reclaim of property(*actio rei vindication*)**

1. Upon being informed by the interested party or by the court that a lawsuit on the reclaim of the property related to the plot occupied by illegal constructions, is filed with the court by the non-possessing owner, SCA shall suspend the legalisation procedure until the conclusion of adjudication of the case by final court judgment. In the event the lawsuit is accepted, SCA shall not legalise the building and point 2 of Article 18 and Article 33 of this law shall apply.

2. Administrative procedures shall not be suspended in the event the illegal construction is affected by a public infrastructure project that is implemented during the court case adjudication period. In such an event, SCA shall examine the illegal construction and decide in compliance with articles 18 and 33 of this law.

## Article 29

**Special treatment**

1. Illegal buildings, the base surface of which fully extends on private land of third parties, for which the approved territory planning documents foresee constructions over 6 floors from level zero, shall not be legalised.

2. "Illegal extensions in registered constructions" and "buildings in violation of the construction permit" shall not be subjected to this article. These shall be legalised in accordance with the other provisions of this section.

3. The following actions shall be undertaken for illegal buildings for the purpose of dwelling, in accordance with the criteria of point 1 of this article:

a) administrative procedures shall be suspended until the development of land in accordance with the approved territory planning documents;

b) a notarial agreement must be signed between the one in possession of the illegal construction and the owner of the land or investor, which shall make available a construction surface to the one in possession upon the construction of the building. The notarial agreement shall be submitted to the territory development authority and to the SCA. In the event the abovementioned agreement is not reached, the owner of the plot or the investor shall submit to the territory development authority and to the SCA a notarial statement which specifies the obligation to transfer the ownership of dwelling surface to the family in possession of the illegal construction. The surface to be made available can not be smaller than the norms provided for surface to be benefited by homeless families according to the legislation in force;

c) the illegal building shall be excluded from legalisation upon approval of the construction permit for the new building and the fulfilment of the criteria set forth in letter "b". Up to that moment, the illegal building shall be used by the subject possessing it.

4. The ones possessing illegal buildings with a socio-economic purpose shall not benefit treatment in accordance with point 3 of this article. These shall be addressed in accordance with Article 33 of this law.

5. Exceptionally, the ones possessing an illegal building as per the criteria of point 1 of this article, may benefit legalisation in the event the owner of the plot expresses their consent through a notarial act.

### Article 30

#### **Treatment of illegal constructions in the event of natural disasters**

1. Individuals and families possessing illegal constructions for the purpose of dwelling and who experience damages in their dwellings as a result of natural disasters in local government units where the disaster status is proclaimed, shall benefit from housing programs, in accordance with the legislation on social housing or from reconstruction programs provided in the legislation on damage relief from natural disaster. The conditions, criteria, and procedures on such a benefit shall be determined by decision of the Council of Ministers.

2. Illegal constructions in areas planned for construction or in new development areas, in accordance with the provisions of the legislation on damage relief from natural disaster shall be excluded from legalisation procedures and the ones possessing them shall benefit construction surface for the purpose of dwelling in new buildings to be built in such areas, in accordance with the conditions and criteria provided in the legislation on damage relief from natural disaster.

### Article 31

#### **Constructions built by legal entities being in dissolution process**

1. In the event of illegal constructions categorised as buildings in violation of the construction permit, when construction subjects/investors find themselves under the circumstances of the commercial company dissolution, bankruptcy, or suspension, in accordance with the provisions of the legislation in force on merchants and commercial companies, or who do not meet the obligations stemming from this law, abandoning the legalisation process, the approval of legalisation shall be conducted for the ones in possession of the building who entered contractual relations with them.

2. Obligations on payments, for the purpose of this law, and taxation obligations of the construction subject, shall not prevent legalisation in favour of the ones in possession and shall not be nullified, but shall be collected by taxation bodies in compliance with the legal framework in force.

3. SCA shall send to local government units the list of development subjects/investors who violate the criteria of the construction permit or who do not pursue legalisation procedures, with the purpose of identifying them as subjects posing the risk of territory mismanagement.

4. Special legalisation procedures in favour of the ones in possession, in accordance with this article, as well as the rules on the conclusion of the procedure by subjects and/or construction companies or investors, shall be specified by decision of the Council of Ministers.

### Article 32

#### **Legalisation effects in cadastral registration of the land**

The legalisation of illegal constructions shall automatically change the type of property in public immovable property registers, by transforming the construction parcel surface into "constructible plot/building site".

### Article 33

#### **Constructions that are not legalised**

1. The ones in possession of illegal constructions that are not legalised, in accordance with Article 18 and point 4 of Article 29 of this law, shall be treated by the

state through financial compensation, social housing programs, or other alternative treatment methods.

2. The Council of Ministers shall specify the treatment methods and the estimation of the financial compensation amount, alternative treatment methods, as well as the rules and timeframes for their fulfilment.

3. Subjects, the constructions of whom are excluded from legalisation in accordance with point 4 of Article 21 of this law, shall not benefit treatment.

## Section 2

### **Buildings without ownership titles and courtyards in use**

#### Article 34

### **Buildings without ownership titles and courtyards in use**

1. SCA shall approve the ownership documents in favour of the ones who possess buildings without ownership titles, their functional plots, as well as the courtyards in use.

2. In the event the one in possession of the property, that is addressed in accordance with this article, has also built illegal constructions in the same property, the actions shall be as follows:

a) in the event of buildings without ownership titles, SCA shall approve the ownership document in accordance with this article, on the grounds of the factual construction situation;

b) in the event of courtyards in use, SCA shall distinguish illegal constructions from the building equipped with ownership titles. Illegal constructions shall be legalised in the event these do not affect the criteria stipulated in Article 18 of this law.

3. In the event of buildings without ownership titles and their functional plots, as well as courtyards in use, the approval of the ownership documents for plot surfaces up to 300 m<sup>2</sup> shall be conducted without remuneration, regardless of whether the ones in possession have also built illegal constructions or not.

4. In the event the functional plot of the buildings without ownership titles or the courtyard in use results to be under private ownership of third parties, as analogy, the rules stipulated in Article 24 of this law shall apply. Exceptionally, in such cases, the ones in possession must pay for the value of the plot, which is estimated in accordance with the favourable price and same payment facilitations, in accordance with the provisions of Article 22 of this law.

5. In the event buildings without titles, their functional plots, or the courtyards in use, prior to the entry of this law into force, have been wrongly inventoried or transferred as state-owned properties to the local government units, the sections of the state-owned property list that regulate such properties shall not be taken into account. In such cases, priority lies on the right of the one in possession to benefit the ownership document, in accordance with this section, in compliance with the principle determined in letter “ç” of Article 36 of this law and point 5 of Article 22 of this law.

6. Detailed rules on the approval of the ownership document for such property shall be specified by decision of the Council of Ministers.

7. In the event the functional plot of the building without an ownership title or the courtyards in use include illegal constructions of third parties, which do not belong to the one in possession of the building without an ownership title or of the courtyard in use, it shall be subjected to the criteria and procedures in accordance with section 1 of this Chapter.

**CHAPTER IV**  
**UPDATE, INVENTORY, TRANSFER, AND REGISTRATION**  
**OF PUBLIC STATE-OWNED IMMOVABLE PROPERTIES**

Article 35

**General provision on the process**

1. The provisions of this chapter shall be applicable to:
  - a) immovable properties of the central government, when it comes to:
    - i) updating the inventory of property, as approved prior to the entry of this law into force;
    - ii) inventorying non-inventoried property;
    - iii) their registration in the immovable property register;
  - b) immovable properties of local government units, when it comes to:
    - i) update of the list on public state-owned properties, transferred under the ownership or use of local government units, prior to the entry of this law into force;
    - ii) their registration in the immovable property register.
2. State-owned property lists shall be subject to review in accordance with the rules stipulated in this chapter, with the purpose of drafting the final lists, after conducting the full information update on the factual situation and on rights or obligations pertaining to them.
3. The newly transfers of immovable properties of the state to local government units shall be conducted in line with the procedures envisaged in the legislation in force on the transfer of public immovable properties of the state to local government units, only after the update of properties in accordance with the rules of this chapter.

Article 36

**Principles and criteria on updating state-owned property**

The principles regulating the update process, in accordance with this article, shall include:

a) priority of private ownership titles over the state-owned property list. In the event that for a property or a part of property, which is part of the state-owned property list, there is an ownership title of third parties, approved in accordance with the specific legislation, the latter shall be registered in the public register.

In the event the managing institution, the local government unit, or the SCA observes that the private ownership title stretches to public property, which couldn't be alienated, they shall require the State Advocate to file a lawsuit on recognition of state-owned property and invalidity of the private ownership title, with the competent court;

b) respecting real rights of third parties, over state-owned property;

c) reflection of the real property situation though on-site observation conducted with the presence of representatives of SCA and managing institution or local government units. The buildings or assets, that are part of the state-owned property list, but do not exist on site, shall not be registered and, in the event these are registered, the same shall be omitted from the public register.

In any case, the surface, position, configuration, and other physical features of the property shall be reflected in the register in accordance with the situation observed on site;

ç) prevalence of other transitory processes envisaged in this law, including the AMTP registration, agricultural land ownership transfer, legalisation of illegal constructions, buildings without titles, their plots, and courtyards in use, regulation of

property in stimulated zones and privatisation of the plot in use, over the state-owned property list;

d) accurate cartographic reflection of state-owned property, in accordance with the cartographic framework of SCA.

#### Article 37

##### **Update by the managing institution or local government unit**

1. State institutions and local government units shall have the duty to conduct full update of inventoried property or of property transferred in their favour within 18 months from the entry of this law into force.

2. The update procedure shall be based on:

a) verification of the factual situation of property through on-site identification conducted with the assistance or participation of SCA;

b) verification of the legal situation of the property. The managing institution or the local government unit shall ask comprehensive information from SCA on the ownership situation, in accordance with the documentation administered by the latter, including information on other transitory processes stipulated in this law.

3. Upon conclusion of such verification, the managing institution or local government unit shall submit for examination the updated state-owned property list to SCA, a compulsory part of which is cartographic documentation.

4. SCA shall examine the compliance of the conveyed state-owned property list with the principles stipulated in Article 36 of this law. In the event incompliance is observed, SCA shall conduct the necessary changes and share them with the managing institution or local government unit.

5. Upon conclusion of the update, SCA shall draft the draft-decision on the approval of the final state-owned property list by the Council of Ministers.

#### Article 38

##### **Approval of the final list and registration**

Updated properties shall be registered in the immovable property register, in accordance with the decision of the Council of Ministers on the approval of the final state-owned property list.

#### Article 39

##### **Partial update of state-owned property lists**

1. Update shall be conducted also individually, for one or more properties included in the state-owned property list (partial update), as follows:

a) by SCA, by its own initiative during the procedures on initial registration or adjustment and update of the immovable property register of the cadastral zone;

b) by initiative of state institutions or local government units, according to their needs;

c) by request of the interested subject who possesses a legal ownership title on the land registered on behalf of the state or who enjoys a real right on the property registered on behalf of the state.

2. Partial update, approval, and registration shall follow the same principles and procedures as per articles 36-38 of this law.

3. Detailed procedures on updating state-owned property lists and rules on the cooperation between institutions shall be specified by decision of the Council of Ministers.

## Article 40

**Change of management responsibility and transfer**

Following the entry of this law into force, proposals for changes to the management responsibility over state-owned property, inventory of property that have not been inventoried before, as well as transfers to local government units shall be submitted to the Prime Minister by the SCA and shall be approved in accordance with the legislation in force on state-owned immovable properties.

## Article 41

**Non-inventoried properties**

The properties that are not inventoried until the entry of this law into force shall be inventoried and registered in accordance with the same principles and rules envisaged in articles 36-38 of this law.

## Article 42

**Suspension of procedures**

In the event of lawsuits, in accordance with letter "a" of Article 36 of this law, as well as in any case SCA, the managing institution, or the local government unit is informed that lawsuit is being adjudicated over the state-owned property or over parts of it, claimed by third parties, the procedures pertaining to updating, inventorying, or transferring shall be suspended until the conclusion of the adjudication by final court decision. Suspension shall apply only to the property or part of property that is subject to court adjudication.

## Article 43

**Registration fees for state institutions and local government units**

1. Reduced service fees shall be applied for initial property registration of state institutions and local government units, in accordance with the provisions of the effective legislation on cadastre.

2. In the event of properties registered prior to the entry of this law into force, state institutions and local government units shall not pay registration fees for changes resulting in the property register due to update in accordance with this chapter.

## Article 44

**Prohibition of transfer prior to registration**

1. In compliance with Article 195 of the Civil Code, any action on transfer of property by local government units shall be prohibited, following the entry of this law into force, without previously conducting the registration of property in the public register. Exception shall apply to cases when the local government unit acts in the framework of ownership transfer of plots granted for construction prior to the entry of this law into force.

2. Within 60 days from the entry of this law into force, state institutions and local government units shall have the duty to establish or assign a specific structure for inventorying, editing, updating, and following the process until properties are registered in the public immovable property register and until an ownership certificate is issued for each property.

3. The specific structure mentioned in point 2 of this article shall be the contact point of the interested institution with SCA. Central and local government institutions shall

have the duty to keep the list of inventory of properties approved on their behalf, to update it, in coordination with SCA, in accordance with the provisions of this law.

#### Article 45

#### **Data digitalisation**

1. SCA shall create the public and state-owned immovable property digital archive, which shall be integrated in the digital cadastre established in accordance with the provisions of the legislation in force on cadastre.

2. SCA shall also digitalise all state-owned property inventory lists issued to date, as a result of this process throughout the years, and shall maintain and update such information in written and electronic format.

#### Article 46

#### **Updating trade unions' property data**

1. For the purpose of this law, SCA shall verify, specify and update immovable property inventory lists, transferred to the management of trade unions, as well as identify relations created with third parties pertaining to such property.

2. In the event the updating process shows that property transferred to the management of trade unions have not been previously registered in public immovable property registers, SCA shall conduct their registration in accordance with the legal documentation, which attests the trade unions' ownership rights over them.

3. The update and editing process report must contain data on:

a) number and type of immovable properties that are inventoried;

b) number of movable properties that are inventoried;

c) type of relations created with third parties, if any, change of such relation, which includes:

i) leasing contracts with third parties;

ii) usage contracts with third parties;

iii) mortgage on properties in favour of third parties;

iv) any kind of juridical action, pertaining to such property, that is registered in public registers;

ç) list of identified culture buildings of former agricultural enterprises, the ownership of which has been transferred or should have been transferred to local government units;

d) list of all inventoried buildings;

dh) any other necessary information related to the process.

4. Upon the conclusion of the updating and editing process, SCA shall draft an assessment report, which shall be submitted to the Council of Ministers for information purposes.

### **CHAPTER V**

### **REGULATION OF OWNERSHIP IN STIMULATED AREA**

#### Article 47

#### **General provision on the process**

1. This chapter shall be applicable to "stimulated areas" and subjects benefiting rights over such territories, such as:



a) stimulated persons or subjects of non-touristic/non-stimulated activities, in accordance with Law No.7665, dated 21 January 1993, "On the development of tourism-priority areas," repealed;

b) third parties who have entered juridical-civil relations with them, as interested subjects, regardless of the number of transactions or consecutive juridical actions carried out.

2. In the event they do not express interest to change the ownership of the plot, stimulated persons who have fulfilled all obligations stemming from the leasing and development agreement, shall not be subjected to procedures stipulated in this law.

#### Article 48

### **Identification and surveying plan**

1. In stimulated zones, SCA shall conduct on-site identification of construction units and plots, as well as draft the surveying plan, which reflects the factual construction situation in the zone, in accordance with the boundaries determined in the documentation approved by the territory planning authority. In the event it is impossible to determine the boundaries of the stimulated zone through the documentation approved by the territory planning authority, then such boundaries shall be unified with those specified by the development and/or leasing agreement, (if any). In the event identification shows that the stimulated area on site has a position that is different to the documentation approved by the planning authority, the boundaries of the area in the surveying plan shall be in accordance with the factual situation.

2. For the purpose of drafting the surveying plan, SCA shall ask central and local institutions to provide copies of the documentation pertaining to the development of construction units or complex units by stimulated persons. Such documentation shall be made available to SCA within 30 days from the request of the latter.

3. Detailed rules on drafting the surveying plan shall be specified by decision of the Council of Ministers.

#### Article 49

### **Transfer of ownership over construction unit plot**

1. Stimulated persons shall benefit ownership transfer for the plot of those construction units for which they have not entered in juridical relations of order, assignment, promised sale, or ownership transfer, sale, donation, or exchange with third parties.

2. Interested subject that possess contracts signed with the stimulated person on abovementioned juridical-civil actions, regardless of the number of transactions carried out, shall have the right to benefit transfer of ownership over the construction unit plot. Interested subjects must submit such contracts, within 12 months from the entry of this law into force.

3. Stimulated persons and interested subjects, along with the plot of the construction units, shall also benefit the free plot in the stimulated area, in mandatory co-ownership, in accordance with their relevant ratios/shares.

4. Detailed rules on ownership transfer, timeframes, method of estimation, and notification of payment, deductions benefiting, and the template of the ownership transfer act shall be specified by decision of the Council of Ministers.

## Article 50

**Prohibition of actions for registered construction units**

In the event construction units reflected in the surveying plan result to be registered in the immovable property register, no alienation/transfer action may be conducted on them until the completion of plot ownership transfer procedures.

## Article 51

**Binding timeframes**

1. In the event the interested subjects fail to submit the documentation in accordance with point 2 of Article 49, they shall lose the right to benefit plot ownership transfer and legalisation of the construction unit. In such cases, the plot and construction unit shall be transferred in favour of the state, in the physical fund account for property compensation.

2. Following legalisation and registration in favour of the state, SCA shall inform interested subjects or, as appropriate, stimulated persons on voluntarily handing over the construction unit, which process shall be conducted through minute-keeping. The voluntary handover of the constructed unit shall be conducted within 30 days from the date of notification. In the event of no voluntary handover within the determined term, SCA shall issue a mandatory handover order, which shall represent an executive title.

3. In the event the construction unit is registered in favour of the interested subject, and the latter fails to liquidate the value of the plot within 1 year, the payment notification shall become an executive title.

## Article 52

**Legalisation of construction units**

1. Along with plot ownership transfer, SCA shall also conduct the legalisation of the construction unit, in the event the latter is not registered in the public register, or only of illegal extensions build on it, in the event it is registered. In any case, legalisation shall be carried out in accordance with the factual situation.

2. The legalisation of the construction unit shall be carried out in favour of:

a) the stimulated person, in the event the latter have not entered in relations of assignment, promised sale with third parties that are interested subjects;

b) the interested subject, in the event they possess the abovementioned contracts.

3. In the event the construction unit is registered in the public register and the interested subject possesses a contract on ownership transfer, sale, donation, or exchange, the ownership transfer registration shall be carried out in accordance with that contract.

## Article 53

**Priority and resolution of disputes**

1. In the event during the commission of procedures in accordance with this article it is observed that for the same construction unit there is overlapping of applications by two or more interested subjects, the contract of whom have no chronological continuity with each other, the procedures shall continue in favour of the subject that possesses the earliest contract.

2. Disputes among interested subjects, stimulated person and interested subject, or claims of third parties on rights over the constructed unit, or on pertaining ownership ratios shall be resolved judicially.

3. During the judicial conflict examination, procedures on the constructed unit and the pertaining plot shall be suspended and shall restart in accordance with the criteria of this law, after the court judgment becomes final.

#### Article 54 **Specific regulation**

Exceptionally, in the event the plot in the stimulated area results to be owned by third parties who have no agreement with the stimulated person or interested subjects, for the purpose of regulating the ownership ratios, SCA shall apply procedures pertaining to the compensation of non-possessing owners, stipulated in Article 24 of this law.

#### Article 55 **Preservation of the area's status**

Regardless of the ownership transfer and legalisation in accordance with this chapter, the territories of stimulated areas shall continue to be "areas of national relevance," being subjected to specific development criteria and procedures, as stipulated in the territory planning and development legislation as well as on the legislation on tourism.

### **CHAPTER VI** **COORDINATION OF WORK BETWEEN SCA AND THE PROPERTY TREATMENT AGENCY**

#### Article 56 **Reference provision**

The completion of the process pertaining to the recognition and compensation for subjects whose property has been expropriated, rendered state-owned, or confiscated in accordance with legal and sub legal acts, decisions of criminal courts, or which have been taken in any other unfair manner by the communist state from 29 November 1944, shall be carried out by the Property Treatment Agency, in accordance with the rules specified in the legislation on the treatment of property and conclusion of the property compensation process.

#### Article 57 **Coordination with transitory processes**

1. In areas where transitory processes are implemented, in accordance with the provisions of this law, the Property Treatment Agency shall treat with priority the physical compensation of subjects, respecting the criteria of the legislation on the treatment of property and conclusion of the property compensation process.

2. Cartographic elements supporting the decision-making process of the Property Treatment Agency on compensation, must be in compliance with the cartographic framework used by SCA.

3. Detailed rules on the coordination of work between SCA and the Property Treatment Agency, as well as on the implementation of this law, shall be specified by decision of the Council of Ministers.

Article 58  
**Land fund**

State-owned immovable properties, that have become part of the land fund, in accordance with the legislation on property treatment and on completion of the property compensation process, shall be subjected to updating with the purpose of identifying their real juridical and physical situation. Updating shall be conducted by SCA and the Property Treatment Agency and shall be led by the same principles specified in Article 36 of this law.

Upon update, in the event differences are identified between the factual situation of the property and the land fund approved by decision of the Council of Ministers, SCA shall provide the Prime Minister with the proposals on the amendment of the relevant decision, in accordance with the updated situation. The Property Treatment Agency shall have the right to demand the augmentation of the land fund with other free state-owned properties.

**CHAPTER VII**  
**ADDRESSING LAW MISIMPLEMENTATION ISSUES**

Article 59  
**Developed properties and protection of rights**

1. Except when otherwise stipulated in this law, all acts on private ownership, issued by state institutions prior to the entry of this law into force, -regardless of irregularities pertaining to form, procedure, or content, - shall be considered as valid, in the event one of the following circumstances is present:

- a) the property beneficiary has transferred the ownership right to third parties;
- b) the property has been developed in accordance with the legislation on territory development and planning;
- c) the criteria of Article 7 of this law are met.

2. This article shall not extend its effect to those cases that have been differently treated by final court judgment approved prior to the entry of this law into force.

3. Lawsuits filed by state institutions prior to the entry of this law into force, which haven't been adjudicated by final court judgments on the invalidity or repeal of the titles and recognition of state ownership on the property, shall be examined in accordance with the provisions of point 1 of this article.

4. The plots granted for the purpose of construction, by decisions of local government bodies, in favour of private subjects, prior to the entry of this law into force, shall be registered in compliance with the legislation in force on cadastre.

Article 60  
**Cartographic inaccuracies and other material mistakes**

SCA shall correct cartographic inaccuracies and other material mistakes pertaining to ownership titles that originate from administrative acts issued by state institutions prior to the entry of this law into force. This shall aim at the compliance of ownership title data with the factual status, position, and configuration of the property.

**CHAPTER VIII**  
**PRIVATISATION OF THE STATE-OWNED PLOT IN USE**

Article 61

**Ownership transfer over the state-owned plot in use**

SCA shall conduct ownership transfer for:

- a) non-privatised plots of constructions that are privatised by citizens through Law No. 7512, dated 10 August 1991, "On sanctioning and protection of free initiative private property, independent private activity, and privatisation," repealed;
- b) non-privatised plots of constructions that are sold by state enterprises, prior to the entry into force of Law No. 7512, dated 10 August 1991, "On sanctioning and protection of free initiative private property, independent private activity, and privatisation," repealed;
- c) non-privatised plots on which constructions have been built on grounds of construction permits issued by local government bodies from 10 August 1991 and on, as well as the plots of buildings or of constructions in former property of former agricultural enterprises, the sale of which has been conducted by former agricultural enterprises or local government bodies.

Article 62

**Initiation of ownership transfer procedure**

The ownership transfer procedure, in accordance with this chapter, shall be initiated as follows:

- a) through requests submitted by interested subjects, to responsible structures, on the sale of public property, prior to the entry of this law into force. For the purpose of this point, the structure responsible for the sale of public property shall be in charge of conveying the administrated requests and documentation to SCA, within 60 days from the entry of this law into force;
- b) through requests submitted by interested subjects to SCA, following the entry of this law into force;
- c) by initiative of SCA, during initial registration or cadastral zone editing procedures.

Article 63

**Ownership transfer methods and payment regimes**

1. Ownership transfer of plot surfaces, in accordance with this chapter, shall be conducted by SCA decision, the template of which shall be determined by the Council of Ministers and shall be carried out as follows:

- a) without remuneration, for plots of constructions for the purpose of dwelling;
- b) against payment, in accordance with the price determined in the property value map approved by decision of the Council of Ministers, for plots of constructions with socio-economic purpose. Legal mortgage shall be registered on the transferred plots, until the payment of the amount.

2. In the event the one in possession of the plot in use has also built illegal constructions on the same plot, the plot's ownership transfer shall be benefitted in accordance with point 1 of this article.

3. Subjects legitimised to benefit plot payment facilitations and who have submitted a request in accordance with the timeframes envisaged in Law No. 10 270, dated 22 April 2010, "On the right to privatisation of state-owned plots in use and on the tax on the right of use," as amended, shall benefit recognition of such rights also in accordance with this law.

4. Detailed procedures applicable for the ownership transfer in accordance with this chapter and the ownership transfer act template, shall be specified by decision of the Council of Ministers.

5. In the event on parts of the state-owned plots in use, illegal constructions of third parties are found, which do not belong to the owner of the privatised/legal construction, such construction and the occupied plot shall be addressed in accordance with the rules of section 1 of Chapter III of this law.

## **CHAPTER IX** **OVERLAPPING**

### Article 64

#### **General provision on the process**

The purpose of this chapter shall be to resolve overlapping, caused prior to the entry of this law into force, due to material mistakes or inaccuracies of cadastral maps or ownership titles.

### Article 65

#### **Fictive overlapping**

1. In the event for an immovable property in a cadastral zone that has been subject to initial registration, prior to the entry of this law into force, a request is submitted on registration of the ownership title, which fully or partially overlaps in the map with another title registered before, the local SCA directorate shall check the cadastral map in order to identify whether the overlapping stems from mistakes or inaccuracies with the positioning of the title registered in the cadastral map. If necessary, the local directorate shall identify the properties on site. In the event the overlapping stems from inaccuracies in the cadastral map, according to the circumstances, the local directorate shall act as follows:

a) in the event the mistake or inaccuracy in the cadastral map is related to only one property and does not affect the bordering properties, [the local directorate] shall correct the mistake in the map and notify the owners on the correction, continuing the title registration procedures for which a request has been submitted;

b) in the event the mistake or inaccuracy in the cadastral map requires the repositioning of many miss-reflected titles, the local directorate shall apply the cadastral zone adjustment procedures, in accordance with chapter VI of the Law "On cadastre."

2. In the event the mistake or inaccuracy lies in cartographic elements of the ownership titles, in accordance with the circumstances, SCA shall act as follows:

a) for titles issued by state institutions prior to the entry of this law into force, [the local directorate] shall correct the mistakes, inform the interested parties, and continue with the registration of the title;

b) for cartographic mistakes originating from final court judgments, their correction may be conducted only with the consent of the party benefiting the rights, in accordance with the court judgment.

Every correction in accordance with this point can not affect the rights of owners of bordering properties.

## **CHAPTER X** **APPEAL**

### Article 66

#### **Administrative and court appeal**

1. Specific structures on administrative appeal, established in accordance with the legislation on cadastre, shall examine the administrative appeals against acts and administrative commissions and omissions of SCA, related to transitory processes envisaged in this law.

2. Administrative appeal shall be exercised and examined in line with the timeframes and rules envisaged in the Administrative Procedure Code, except for when this law stipulates direct appeal in the court. The decision issued on the grounds of the administrative appeal, which repeals, cancels, states invalidity, or amends the content of the registered administrative act, shall be reflected in the ownership section of the immovable property cartel.

3. Appeal may be filed with the competent court, against the decision of the specific structure on the examination of administrative appeals, in accordance with the legislation in force on administrative courts and adjudication of administrative disputes.

4. Prior submission of an administrative appeal, in accordance with the provisions of this law, shall not represent a precondition for filing a lawsuit to the court.

## **CHAPTER XI** **INCOME FROM TRANSITORY PROCESSES**

### Article 67

#### **Allocation of incomes deriving from ownership transitory processes**

1. During the application of procedures in accordance with this law, SCA shall collect and use income from:

- a) ownership right transfer over construction parcels of illegal constructions;
- b) ownership right transfer over additional surfaces, in accordance with point 4 of Article 10 of this law;
- c) ownership right transfer, for cases envisaged in point 4 of Article 34 of this law;
- ç) ownership right transfer over plots in stimulated areas;
- d) ownership right transfer for cases in accordance with letter "b" of point 1 of Article 63 of this law;
- dh) service fees for illegal constructions, for the purpose of socio-economic function or for second constructions;
- e) service fees for other procedures on equipment with ownership title/document, in accordance with this law;
- ë) additional service fees, in accordance with point 2 of Article 21 of this law, which shall apply for any other case when the interested subject requests completion of administrative measures in an accelerated manner, in accordance with this law;
- f) penalties on failure to respect construction permits, by constructing/investing subjects, for buildings in violation of the construction permit, which are legalised in accordance with this law;

g) the fee on the registration of state-owned properties of the central government or those transferred to local government unit.

2. Exceptionally, 70 percent of the income generated in accordance with letter “a” of point 1 of this Article and 50 percent of the income generated in accordance with letters “b” and “ç” of point 1 of this article, shall be transferred to the property financial compensation fund, in accordance with the provisions of the legislation on the treatment of property and conclusion of the property compensation process.

3. The amount of fees, payments, penalties, and the method for their estimation, adding up, and administration shall be specified by decision of the Council of Ministers.

## **CHAPTER XII** **RANSITORY AND FINAL PROVISIONS**

### Article 68

#### **Provisions on land ownership acquisition acts and verification of titles**

1. With the entry of this law into force, administrative proceedings with prefects, for the purpose of verification of titles over agricultural land, shall be considered as suspended.

2. Requests submitted to local commissions, the subjects of which is not the AMTP validity and for which examination hasn't concluded yet, shall be addressed by the State Cadastre Agency in compliance with the criteria and procedures envisaged in this law.

3. Decisions of prefects on the legal validity of titles over agricultural land, approved prior to the entry of this law into force, for which no lawsuit has been filed with the competent court, shall be taken into account by SCA only for AMTPs that haven't been registered before, during registration procedures, as per the following rules:

a) decisions confirming the validity of AMTPs shall be taken for granted and SCA shall continue with the registration procedures without verifying the criteria envisaged in Article 7 of this law;

b) decisions that partially repeal AMTPs, due to excess of the rate per capita, shall not be taken into account;

c) decisions repealing AMTPs, due to reasons related to legitimation or to the type of property, shall be taken into account only if the same do not go against the criteria envisaged in Article 7 of this law. In such a case, SCA shall continue with the procedures, in accordance with the rules envisaged in Article 8 of this law.

4. Lawsuits filed by prefects prior to the entry of this law into force, the subject of which is the invalidity/repeal of AMTPs, shall be examined by courts, in accordance with the criteria of this law.

5. SCA shall withdraw from lawsuits in all trials under adjudication prior to the entry of this law into force, except for cases when the legal cause of the lawsuits is in line with the provisions of point 1 of Article 7 of this law.

6. For the application of chapter II of this law, municipalities and the Land Administration and Protection Directorates with the regional councils shall respectively submit to SCA copies of the archive documentation on the agricultural land distribution process and of the land cadastre maps/registers from 1991 and on. Such bodies shall also submit copies of ownership-lists and agrarian reform documentation of 1946. Prefects shall hand over to SCA copies of the archive documentation on title verification, which is used as stipulated in this article and in section 2 of chapter II of this law, as well as the requests' documentation, in accordance with point 2 of this article.



7. Requests on agricultural land ownership transfer, of subjects that are not legitimated in accordance with legal and sub legal acts on agricultural land, refused prior to the entry of this law into force, shall be re-examined in accordance with the criteria of Article 12 of this law.

8. In the event the ownership transfer in accordance with section 3 of chapter II of this law are applied for state-owned surfaces given in rent to third parties prior to the entry of this law into force, juridical relations between parties shall be regulated in compliance with the provisions of the Civil Code.

#### Article 69

#### **Transitory rules on legalisation procedures**

1. Legalisation applications, administrated prior to the entry of this law into force, which lack elements of form, shall be considered valid.

2. When it comes to constructions legalised prior to the entry of this law into force, the registration procedures shall continue in compliance with the provisions of this law. Constructions for which there is no approved decision of the Council of Ministers on ownership right transfer over the construction parcel, the ownership title over the plot (parcel) or over the belonging share, shall be considered as acquired in accordance with the legalisation permit. The rules envisaged in points 4-11 of Article 22, as well as articles 24 and 32 of this law, shall also apply to such cases.

3. Draft decisions of the Council of Ministers "On construction parcel ownership transfer and compensation of non-possessing owners," which, at the moment of entry of this law into force are under coordination process, shall be approved and produce juridical effects when it comes to the compensation of non-possessing owners.

4. Decisions of the Council of Ministers "On construction parcel ownership transfer," approved prior to the entry of this law into force, shall not be reviewed for the purpose of changing construction parcel ownership transfer data. Such changes shall be conducted through the legalisation act approved in accordance with this law. In any case, the data on construction parcel ownership transfer shall be changed only in the event there is one of the following situations:

a) the one in possession of the construction (ownership transfer beneficiary) requests reduction or enlargement of the construction parcel surface within the provisions of the law;

b) the one in possession has recognised or transferred to third parties the rights on the construction during legalisation procedures;

c) the decision of the Council of Ministers does not reflect the factual state of the construction or of the construction parcel;

ç) the approved construction parcel surface goes against the criteria of qualification for legalisation; or

d) in the event material mistakes are identified or there are other legal causes envisaged in the Administrative Procedure Code.

The change of the ownership transfer and of the construction parcel data, reflected in the legalisation permits approved prior to the entry of this law into force, shall be valid in the event one of the abovementioned criteria is met.

5. Illegal constructions located in the territory of informal areas, approved prior to the entry of this law into force and which are not legalised yet, shall be addressed with priority. In the decision it approves in accordance with point 4 of Article 18, the Council of Ministers shall stipulate special facilitating criteria for the legalisation of this construction category.

6. Pursuant to articles 26, 27, and 28 of this law, SCA shall decide, case by case, to repeal or not the acts on suspension of legalisation procedures, as approved by

ALUIZNI, in accordance with articles 26 and 40 of Law No. 9482, dated 3 April 2006, "On legalisation, urbanisation, and integration of illegal constructions," as amended.

7. Illegal constructions for which there is a decision on suspending administrative procedures on the grounds of Article 35 of Law No. 9482, dated 3 April 2006, "On legalisation, urbanisation, and integration of illegal constructions," as amended, shall be re-examined in accordance with Article 29 of this law.

8. SCA shall be obliged to reflect - in the ownership section of immovable property cards - the acts approved prior to the entry of this law into force, which change, repeal, nullify, or state the invalidity of the legalisation permits and decisions of the Council of Ministers on construction parcel ownership transfer and compensation, as a result of the administrative complaint, in accordance with Article 45 of Law No. 9482, dated 3 April 2006, "On legalisation, urbanisation, and integration of illegal constructions," as amended, as well as in other cases in accordance with the Administrative Procedure Code.

9. Illegal constructions, the structure of which have been built prior to the entry of this law into force, even though these are not reflected in the orthophoto in accordance with point 1 of Article 17, shall be addressed by SCA in accordance with the rules stipulated in section I of chapter III, in the event of :

a) buildings, illegal extensions in registered constructions, buildings in violation of the construction permit, for the purpose of dwelling or for the purpose of agricultural or farming activity, built in the village areas;

b) buildings in violation of the construction permit or extensions in registered constructions, in the event demolition or confiscation hasn't been previously decided for them, in accordance with Law No. 107/2014, "On territory planning and development," as amended, or in the event such punishments are prescribed in accordance with Article 46 of Law No. 10 279, dated 20 May 2010, "On administrative contraventions".

The rules on the application of this point and on identification of illegal constructions shall be specified by decision of the Council of Ministers.

#### Article 70

##### **Transitory rules on buildings without ownership titles and courtyards in use**

1. Applications administrated prior to the entry of this law into force for buildings without ownership titles and their functional plots, as well as on courtyards in use, for which the administrative proceeding has not been concluded, shall be examined in accordance with the criteria and procedures envisaged in this law.

2. For all subjects that prior to the entry of this law into force benefitted ownership transfer over buildings without ownership titles, their functional plots and courtyards in use, but who haven't made the payment for the plot, such a payment requirement shall be removed for surfaces up to 300 m<sup>2</sup>. Exception shall apply to cases when the functional plot or courtyard in use is under the ownership of third parties. In such cases, in the event the payment hasn't been made, the financial obligation shall be recalculated on grounds of the provisions of point 4 of Article 34 of this law.

3. Requests of subjects on ownership transfer over courtyards in use, which have been rejected by decisions of the competent body prior to the entry of this law into force, shall be re-examined in accordance with the criteria of this law, except for when the case is subject to judicial examination. Requests for which the competent body has decided to close the administrative proceeding due to the failure of subjects to fill in the documentation, shall also be re-examined.

4. Within 60 days from the entry of this law into force, the Property Treatment Agency shall hand over to SCA all files of courtyards in use administrated by it, including

those underway and those completed. The Property Treatment Agency shall keep copies unified with the original for files completed by final decision.

#### Article 71

##### **Transitory rules on the regulation of ownership in stimulates areas**

1. In the event that prior to the entry of this law into force the Immovable Properties Registration Office has administrated the surveying plan of the stimulated area and, alienating actions have been committed in the construction units, such actions shall be considered valid and the plot's ownership transfer shall be conducted in favour of the current title-holder of the building.

2. Arrears stemming from leasing and development agreements shall be carried over by stimulated persons and shall not prevent ownership transfer and legalisation procedures, in accordance with chapter V of this law. The National Tourism Agency shall be the authority responsible to collect them.

#### Article 72

##### **Transitory rules on ownership transfer over state-owned plots in use**

Within 60 days from the entry of this law into force, the structures responsible of the sale of public property shall be obliged to hand over to SCA all administrative practice files addressed in accordance with chapter VIII of this law, including those underway and those completed. The structures responsible of the sale of public property shall keep copies certified same with the original for completed files.

#### Article 73

##### **Obligation on the state-owned plots' usage tax**

Subjects that will benefit plot ownership transfer by SCA, in accordance with chapter VIII of this law, shall continue to carry over the obligation to pay the tax on use, as envisaged in Law No. 10 270, dated 22 April 2010, "On the right to privatise state-owned plots in use and on the tax on the right of its use," as amended, applicable until the time of ownership transfer. Such an obligation shall be collected by taxation bodies.

#### Article 74

##### **Addressing requests of religious communities**

Requests on the legalisation of buildings of cult constructed without a permit, privatisation or registration of ownership rights of religious communities, shall be addressed with priority, in compliance with the provisions of this law and other effective legal acts.

#### Article 75

##### **Database on transitory processes**

1. SCA shall create and administrate the database on ownership transitory processes.

2. Detailed rules on the creation, use, administration, storage, and interaction with other state databases shall be specified by decision of the Council of Ministers.

Article 76  
**Administrative inspection**

Irregularities pertaining to form, procedure, and content, committed during the activity of competent institutions in relation to transitory processes, prior to the entry of this law into force, shall be examined administratively, in compliance with the provisions of this law.

Article 77  
**Exemption from late payment interest**

Private subjects benefitting ownership titles approved by SCA, in accordance with the procedures of this law, shall be exempted from late payment interest, in accordance with Article 25 of Law No. 111/2018 "On cadastre."

Article 78  
**Issuance of subordinate legal acts**

1. Along with what is explicitly stated in this law, within 12 months from the entry of this law into force, the Council of Ministers shall issue the sub legal acts on the grounds of and for the purpose of this law.

2. Until the issuance of the sub legal acts, in accordance with this law, the existing subordinate acts shall continue to remain in force, for as long as these do not fall in contradiction with the provisions of this law.

Article 79  
**Repeals and amendments**

1. Legal acts listed in the annex attached to this law, as well as any other legal act that falls in contradiction with the provisions of this law shall be repealed.

2. In Law No. 8744, dated 22 February 2001, "On transferring public immovable properties of the state to local government units," as amended, the last sentence of letter "c" of Article 8 shall be repealed.

3. Law No. 10 270, dated 22 April 2010, "On the right to privatise state-owned plots in use and on the tax on the right of its use," as amended, shall be repealed with the entry of this law into force, except for the rules related to:

- a) taxation of state-owned plots in use;
- b) privatisation of the plots in use, for juridical persons, commercial companies.

The structure responsible of the sale of public property and taxation bodies shall be the authorities responsible of the abovementioned procedures.

Article 80  
**Templates of administrative acts**

Until the approval of the templates of the new administrative acts, SCA and local government units shall continue to use the templates of acts approved prior to the entry of this law into force.

Article 81  
**Reporting**

The State Cadastre Agency shall report annually to the Parliamentary Committee on Legal Issues, Public Administration and Human Rights for the purpose of application of this law, until the conclusion of the timeframe stipulated in Article 82 of this law.

Article 82  
**Timeframe for the conclusion of transitory processes**

Transitory processes in accordance with this law shall conclude on 31 December 2028.

Article 83  
**Entry into force**

This law shall enter into force 15 days following its publication in the Official Journal.

SPEAKER  
**Gramoz RUÇI**

Approved on 5 March 2020

**ANNEX****LIST OF REPEALED ACTS**

1. Law No. 7501, dated 19.7.1991, "On land," as amended.
2. Law No. 8053, dated 21.12.1995, "On agricultural land ownership transfer without pay", as amended.
3. Law No. 9482, dated 3.4.2006, "On legalisation, urbanisation, and integration of illegal constructions," as amended.
4. Law No. 9948, dated 7.7.2008, "On the examination of legal validity of the creation of ownership titles on agricultural land," as amended.
5. Law No. 10 186, dated 5.11.2009, "On regulating ownership on state-owned land in tourism-priority areas," as amended.
6. Law No. 171/2014, "On the completion of legal procedures on the ownership transfer of former agricultural enterprises' agricultural land to beneficiaries," as amended.