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ALBANIA

DRAFT LAW (*)

**ON THE FINALISATION
OF TRANSITIONAL OWNERSHIP PROCESSES**

AND REPORT (*)

and

**LAW (*)
ON CADASTRE**

(*) *Translation provided by the authorities of Albania*

DRAFT LAW
No. /2018

ON THE FINALISATION OF TRANSITIONAL OWNERSHIP PROCESSES
IN THE REPUBLIC OF ALBANIA

Pursuant to Articles 78 and 83, point 1 of the Constitution, upon the proposal of the Council of Ministers,

T H E A S S E M B L Y
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

This law defines the procedures and the state body responsible for the finalisation of administrative, transitional, legalization processes of property titles on agricultural land, inventorization, transfer, treatment and final registration of ownership titles, for state and private immovable properties in the Republic of Albania.

Article 2

Purpose and scope of application

1. The purpose of this law is the establishment of a simplified and harmonized legal basis for the finalisation of administrative processes for the treatment of state and private immovable property, defining the rules for:

a) the legalization of ownership titles, provided in accordance with legal and sub-legal acts on agricultural land, adopted before the entry into force of this law;

b) the finalisation of the process of transferring ownership without remuneration to agricultural land users of former cooperatives and former agricultural enterprises;

c) the legalization and registration in the public register of immovable properties, illegal buildings, objects and functional lands, when the acts of ownership acquisition and the yards in use are missing;

ç) the regulation of ownership relations in the territories designated as “stimulated areas, with tourism development priority”, which are made available to “stimulated persons”, according to Law No. 7655, dated 21.1.1993, “On development of tourism priority areas”, repealed;

d) finalisation of the process of inventorization of state immovable properties, updating of the immovable property inventories of the central government and those transferred to the local self-government units before the entry into force of this law, and registration in the public register;

dh) dealing with overlaps and problems created as a result of material mistakes, irregularities in law enforcement or failure to act by state bodies in the area of ownership over immovable property;

e) finalisation of ownership transfer procedures for:

i) unprivatized lands of privatized buildings according to Law no. 7512, dated 10.8.1991, repealed;

ii) unprivatized lands of buildings and sold by state enterprises before the entry into force of Law no. 7512, dated 10.8.1991, repealed;

iii) unprivatized lands on which buildings have been built, based on building permits issued by local government bodies after 10.8.1991 and onwards, and lands of objects or buildings, former property of former agricultural co-operatives, the sale of which was carried out by former agricultural cooperatives or local government bodies.

2. This law also aims to coordinate the transitional processes anticipated in it with the process of property treatment provided in the legislation for property treatment and the completion of the property compensation process.

3. The administrative process, according to this law, is carried out by standardizing and unifying the cartographic documentation for the registration of the property in the public register of immovable properties.

Article 3 Process principles

The administrative activity for the finalisation of the transitional ownership processes is based on the principles of the rule of law, legal certainty, transparency, legality, objective and parallel examination of cases, with the purpose of legalizing ownership rights and consolidating the public register of immovable properties.

Article 4 Definitions

In this law, the following terms have these meanings:

1. The “Legal and sub legal acts on ownership of agricultural land” are the following: Law no. 7501, dated 19.07.1991, “On land”, as amended; Law no. 8053, dated 21.12.1995, “On the ownership transfer without remuneration of agricultural land”, as amended, Law no. 9948, dated 7.7.2008, “On the review of the legal validity of creating ownership titles on agricultural land”, as amended; Law no. 57/2012, “On the finalisation of the process of ownership transfer to agricultural land beneficiaries of former agricultural enterprises”; Law no. 171/2014, “On the conclusion of legal procedures for the transfer of agricultural land of former agricultural enterprises to the ownership of beneficiaries”, as amended; and sub-legal acts that regulate the legal relations of the division or granting for use of agricultural land after 1991.

2. “Function of the illegal construction” is the destination of use of an illegal building, which may be “housing” or “socio-economic”, including economic, social, cultural activities, or any other lawful purpose.

3. “Legal mortgage” is the law institute, within the meaning of the Civil Code, which serves to guarantee the fulfillment of obligations by entities benefiting the transfer of ownership of immovable properties, according to this law.

4. “Cooperative and/or agricultural enterprise” has the same meaning according to the legislation that was in force until 1.8.1991.

5. “List of state properties” is the inventory of the state’s immovable properties belonging to the central government, and the list of public properties transferred to the ownership of local self-government units approved before the entry into force of this law.

6. “Final list of state properties” is the inventory of state immovable properties belonging to the central government, and the list of public properties transferred to the ownership of local self-government units after the update according to chapter IV of this law.

7. “Legalization” is the administrative process performed by the Agency, for the final solution and registration of ownership titles.

8. “Fictitious overlaps” are all those overlappings that are caused by material errors and inaccuracies in the cadastral mapping or elements of the ownership titles themselves.

9. “Non-essential form deficiency”, the absence of insignificant elements in the form of an act of ownership acquisition of agricultural land, which do not essentially affect the lawfulness of the ownership title.

10. “Lease and development agreement” is the agreement entered between the stimulated person and the landlord, specifying the specific conditions for the execution of the stimulated activity.

11. “Illegal construction”:

a) the object, or extensions to the registered construction, regardless of its function, carried out in the absence of a construction permit;

b) the object violating the construction permit.

12. "Object violating a construction permit" is an unregistered construction, which has extensions to the excess of the construction permit or changes to the space function, in relation to this permit.

13. "Object without an ownership title" is a residential building, established before 10.8.1991, for which the document of ownership acquisition is not available.

14. "Yard in use" is a land without a title of ownership of a building constructed before the date of 10.8.1991, for which an ownership document is available.

15. "Main property", in the sense of this law, is the property-land, which adheres to the amount of area defined in AMTP (act of ownership acquisition of the land).

16. "Serving property", in the sense of this law, is the additional state surface, beyond the amount specified in the AMTP, possessed by the owner of the principal property and which, because of its size or configuration, cannot be used separately.

17. "Stimulated person" is a natural or legal person, who has benefited the title of the stimulated person, in accordance with Law no. 7665, dated 21.1.1993, repealed.

18. "Lands given for construction purposes by bodies of local self-government units" are lands given by decisions of communal councils, municipal councils or district councils for housing purposes or socio-economic constructions, prior to the entry into force of this law .

19. "Stimulated area" is any part of the territory of the Republic of Albania, for which, in accordance with Law no. 7665, dated 21.1.1993, "On the development of tourism priority areas", repealed, it was approved the performance of stimulated activities and/or non-tourism/non-stimulated activities in priority tourism areas.

Article 5

Responsible authority for the implementation of transitional processes

1. The State Agency of Cadastre, hereinafter referred to as SAC, is a public institution established by a special law regulating the manner of organization, functioning, administrative dependence, location and distribution of services in the territory of the Republic of Albania.

2. The State Agency of Cadastre shall be the public authority that shall implement this law and shall coordinate the processes in cooperation with the other central state institutions, local self-governments or between the structures in its composition, with the purpose of completing the transitional ownership processes in the Republic of Albania.

CHAPTER II

TITLES ON AGRICULTURAL LAND

Section 1

Scope and field of application under this chapter

Article 6

Consolidation of the legal relationship of ownership over agricultural land

1. The provisions of this chapter are aimed at consolidating the legal relations of ownership over agricultural land through:

a) legalization of property titles deriving from all legal and sub legal acts on agricultural land that have had effects before the entry into force of this law, and their coverage in the register of immovable properties;

b) the finalisation of processes for provision with ownership titles of land users of former cooperatives and former agricultural enterprises, which have submitted a request for this purpose up to three months after the entry into force of this law.

2. The above processes are carried out in function of the strategic and sustainable development of the agricultural sector.

Section 2

Legalization of titles given before the entry into force of this law

Article 7

Conditions for legalization of the act of ownership acquisition of the land

1. The act of ownership acquisition of the land (AMTP), acquired prior to the entry into force of this Law, is considered valid if the following conditions are fulfilled, at the same time:

a) the subject has been legitimated to acquire land under the legal and sub legal acts for the allocation of agricultural land or, even if it has not been legitimized, has benefited the land for which the ownership was abolished from him or the advisor during the establishment of the cooperative or agricultural enterprise;

b) the entity has benefited land only in the territory of a cooperative or agricultural enterprise;

c) the land divided with AMTP was not of the item (cadastral item) "land", "coastal sand" or "beaches".

ç) The land divided with AMTP does not affect works of public and agricultural infrastructure.

2. The criteria for defining the shortcomings in the elements of the form, which are the cause for the non-legalization of AMTPs, and the manner of completing AMTPs with non-essential shortcomings are determined by a decision of the Council of Ministers.

3. The control of AMTPs, in relation to the conditions for legalization, according to this article, is realized during the procedures for registration and/or improvement of the immovable property register.

Article 8

Treatment of titles that do not meet the requirements for legalization

1. When, after verification, SAC verifies that ownership title is granted in contradiction with the criteria set forth in this law, it files a lawsuit for declaring the invalidity of the administrative act "act of ownership acquisition of the land", its abrogation, at the competent administrative court and:

a) the return of land to state ownership, in cases when it is still possessed by the first holder of the title or his/her heirs;

b) the obligation to pay the value of land obtained in contravention of the law, in cases where the beneficiary no longer possesses the land in full or in part as a result of a transaction or expropriation for public interest. The value of the payment is calculated according to the land value map determined by the decision of the Council of Ministers for the alienated surfaces as a result of the transaction or the compensated value for the alienated surfaces as a result of expropriation for public interest.

2. The rules and procedures for reviewing the legal validity of property titles on agricultural land and making payments under this article shall be determined by a decision of the Council of Ministers.

Article 9

Discrepancies between the title of ownership and the state of possession in fact

1. If, during the procedures for registering or improving the immovable property register, it is evidenced that the agricultural land area in AMTP is different from that effectively located on the ground, it is acted as follows:

a) When the surface possessed is greater than that determined in AMTP, the subject is entitled to benefit from the transfer of ownership of the additional state surface to the amount of twenty percent of the AMTP surface at the price determined in the map of property value. If the holder does not request, refuses or does not pay the value, the additional state surface passes for the account of the agricultural land fund under the administration of the local government unit and is leased from the latter, according to the legislation in force.

Exceptionally, when the additional state surface is a serving property, the possessor is in any case obliged to repay its value. Otherwise, legal mortgages are registered on it and on the main property.

b) When the area that is effectively on the ground is smaller than the one defined in AMTP, the State Agency of Cadastre proceeds with the registration of the title for the area that is effectively located on the ground according to the definitions of point 5, Article 30 of the Law "On cadastre".

2. If the location of the area effectively occupied by the AMTP beneficiary is different from that defined in the latter, but within the territory of the cooperative and/or the enterprise, the legalization and the registration are made according to the location of the area possessed when this is state property. If the area that is effectively possessed is outside the territory of the cooperative and/or enterprise or is owned by third parties and between the parties no legal-civil agreement is reached, the area is legalized and registered according to the location in AMTP.

3. At the end of the procedures under this Article, when free state lands are created, they are transferred to the agricultural land fund of the local self-government unit and leased from the latter, according to the legislation in force for the lease of agricultural land owned by the state.

4. Detailed rules on how to identify discrepancies, the norms and criteria for additional surfaces sold or transferred to the agricultural land fund as well as for serving properties are determined by a decision of the Council of Ministers.

Section 3

Finalisation of provision with ownership titles

Article 10

Conditions for transferring ownership of agricultural land without remuneration

1. The subjects that meet, at the same time, the following conditions benefit from the transfer of ownership of agricultural land without remuneration,:

a) are beneficiary subjects of land in ownership, according to sub-legal acts regulating the legal relations of the division or giving for use of agricultural land of the year 1991 and on. Beneficiary subjects are also employees of the former agricultural enterprise or agricultural cooperative whose civil status has been transferred to the village where the land is subject to transfer of ownership after 1.8.1991, as well as those who were not their employees, but were residents according to the civil registry of 1.8.1991;

b) have not benefitted agricultural land in the territory of any cooperative or other agricultural enterprise;

c) up to three months after the entry into force of this law, have filed a request with the competent bodies for issuing AMTPs for the lands of former agricultural cooperatives or former agricultural enterprises or have been provided with the act of ownership acquisition of the land;

ç) are actual users of agricultural land.

2. The land that is transferred to ownership, without remuneration, must meet, at the same time, these conditions:

a) belong to one of the items of agricultural land;

b) not be private property of third parties;

c) not be given in use or leased to third parties;

ç) not be subject to forms of physical compensation, according to the legislation in force for the treatment of property and the finalisation of the property compensation process;

d) not be occupied by illegal constructions of third parties or of the requesting subject;

dh) not be subject to strategic investments, according to the legislation in force for strategic investments in the Republic of Albania;

e) not be responsible for the administration of scientific research institutions.

The list of these assets is made available by the ministry responsible for agricultural issues.

If the prohibitions listed in this point are present for a part of the land surface, the transfer of ownership without remuneration applies only to the remainder.

Article 11

Surfaces that are transferred in ownership without remuneration

1. The amount of agricultural land surface, which is transferred in ownership without remuneration, is:

- a) the same as the area determined in the act of ownership acquisition of the land;
- b) the same as the norm calculated from the ratio of the current surface area that results to be free on the ground with the number of capita, after verification of the conditions set forth in point 2 of Article 10 of this law, when the act of ownership acquisition of the land has not been approved in advance.

2. If the free area on the ground is smaller than that specified in the act of ownership acquisition of the land, the transfer of ownership without remuneration shall be approved to the subject only for the amount of free surface area.

3. If the subject possesses a surface larger than that determined according to the rules of point 1, the definitions of letter "a" of point 1 of article 9 of this law apply to the additional area.

4. If the location of the area actually possessed is different from that determined in the act of obtaining land in use, but within the territory of the cooperative and/or the enterprise, the transfer of ownership without remuneration and registration is made according to the location of the surface possessed. In any case, the surface possessed must meet the requirements of point 2 of Article 10 of this law.

Article 12

The procedure of ownership transfer without remuneration

1. The transfer of ownership of agricultural land is made by SAC, according to the list of land users, approved by the decision of the municipal council.

2. Within 6 months from the entry into force of this law, the local self-government units shall forward to SAC requests for transfer of ownership of agricultural land, administered according to laws no. 171/2014, "On the finalisation of legal procedures for the transfer of agricultural land of former agricultural enterprises to the ownership of beneficiaries", and no. 9948, dated 07.07.2008, "On reviewing the legal validity of the creation of ownership titles on agricultural land", before the entry into force of this law.

3. The State Agency of Cadastre specifies the area for the transfer of ownership according to article 11, with the presence of the representative of the administration of the local self-government unit, and verifies the fulfillment of the conditions for the transfer of ownership of agricultural land without remuneration. After the verification process, SAC drafts the list of actual users of agricultural land for each cooperative and/or enterprise, which it submits for approval to the municipal council.

4. If the municipal council decides to reject the draft-decision "On approving the list of actual land users", the SAC corrects the contents of the list, according to the reasoned remarks of the municipal council and then submits it again for approval.

5. Upon approval of the list of actual land users, according to this Article, the SAC completes individual ownership transfer acts in favor of the beneficiaries.

6. The detailed rules and the form of the individual act for the transfer of ownership of agricultural land shall be adopted by a decision of the Council of Ministers.

Article 13

Lease of non-agricultural land

1. Beneficiary subjects under the legal and sub-legal acts for agricultural land, which have planted multi-annual agricultural crops in non-agricultural state lands, have the right to enter into lease agreements for this land surface without competition. The lease agreement may only be entered if the non-agricultural land area meets the conditions set out in the letter "b" et seq. of point 2, Article 10 of this law.

2. These areas are transferred to the agricultural land fund under the administration of the local self-government unit, which is also the authority responsible for their lease.

3. Criteria and procedures for leasing these areas are determined by a decision of the Council of Ministers.

CHAPTER III

LEGALIZATION AND REGISTRATION OF ILLEGAL CONSTRUCTIONS WITHOUT PERMIT, OBJECTS WITHOUT OWNERSHIP TITLE AND YARDS IN USE

Section 1

Illegal constructions

Article 14

Identification of illegal constructions

1. The procedures under this section shall apply to illegal constructions ascertained in the orthophoton adopted and implemented pursuant to the sub-legal act for the establishment of a geospatial data system under the administration of the state authority responsible for geospatial information (ASIG). Constructions for which the possessors have not applied for legalization up to the date of entry into force of this law are handled by SAC, mainly during the initial registration processes or upgrading of the cadastral area or through the procedure of identifying constructions without permit.

2. Identification of illegal constructions is carried out by the SAC, by updating the construction condition on the ground, ascertaining the function of the construction.

3. For illegal constructions that fall into the category of objects violating the construction permit, in addition to updating the construction condition in the terrain, the SAC also administers the construction permit documentation.

4. If the possessor of the illegal construction, with concrete actions, does not allow SAC employees to carry out the updating of the construction condition in the terrain, construction is excluded from legalization.

5. Documentation and detailed rules for the identification of illegal constructions are determined by decision of the Council of Ministers.

Article 15

Criteria for legalization

1. SAC conducts the qualification procedures for legalization of illegal constructions, based on the non-prejudice criteria of:

- main works of public infrastructure;
- national road alignments;
- the territory or functionality of public buildings;
- the integrity of cultural monuments;
- territories intended for strategic investments, according to the legislation in force for strategic investments in the Republic of Albania;
- coastline, in the sense of public interest in the development of tourism.

2. Illegal constructions that violate the above criteria are exempt from legalization.

3. For objects subject to a construction permit violation, the above criteria bring the exemption from legalization only for the areas in excess of the construction permit, when they are divisible from the main building (the legal construction). In cases when these areas are not divisible, objects subject to construction permit violations are legalized in their entirety.

4. The procedures, documentation and requirements of qualification for legalization shall be determined by decision of the Council of Ministers.

Article 16
Responsibility in case of Disasters

1. The possessor of an illegal construction, who fulfills the conditions for legalization, keeps personal responsibility for any consequences that may arise from natural causes and/or use of the building.
2. The possessor is responsible for compensation or disbursement in the event of a disaster as a result of the factors affecting the sustainability of the illegal construction even in the case of alienation.

Article 17
Documentation for legalization

1. Documentation for legalization of illegal construction includes:
 - a) the construction genplan;
 - b) the alignment of each construction floor and areas in m²;
 - c) Expertize acts by a licensed expert or subject for the construction sustainability of the object for buildings with a height of over 4 floors.
2. For objects with a construction permit violation, in the documentation of legalization, except as provided in paragraph 1 of this article, the SAC also administers the agreement with the landowner for the main construction, if it is built on private territory, and the agreement on the extension, if any. In the absence of the agreement on the extension, the rights and obligations of the parties for the main construction are aligned with the rights and obligations of the parties in the illegal extension.

Article 18
Legalization of construction

1. SAC within 60 days from the finalisation of the qualification procedures, legalizes the construction, respecting the provisions of the applicable legislation on marital property regimes.
2. The possessor of an illegal construction has the right to request the finalisation of administrative proceedings within 30 days from the submission of the request, against the payment of an additional service fee.
3. The model and rules for issuing the legalization act shall be determined by a decision of the Council of Ministers.
4. During administrative proceedings under this section, the possessor of an illegal construction may, by his will, waive the right to obtain legalization through a notarial declaration. By administering this statement, SAC excludes the construction from legalization.

Article 19
Construction plot and ownership transfer

1. SAC determines the surface and configuration of the construction plot for the subject possessing the legalized construction.
2. When the owner of the construction is not the owner of the construction plot, the act of legalization of construction by the SAC also serves as an act of transfer of ownership over the land of the plot.
3. Determination of the construction plot surface, which is transferred in ownership, is made according to the following rules:
 - a) in the case of illegal constructions, with housing function, as a rule, the surface of the construction plot, to which the right of ownership is transferred may be up to three times of the construction base, but in any case not greater than 500 m²;
 - b) For illegal constructions, with socio-economic function, only the criterion of the construction plot surface is applied, up to three times of the surface of the construction base. The

price applied for the sale of a construction plot for constructions with socio-economic function is that specified in the map of the property value, for the type of "land" property;

c) when, due to the size or layout of the construction plot, free spaces are created that cannot be used separately for construction, they are transferred in ownership to the possessor of the illegal construction, according to the price determined in the property value map, approved by a decision of the Council of Ministers. The transfer of ownership rights for these surfaces is only made if the possessor of the illegal construction expresses the will through a written request. In any case, for residential constructions, the area up to 500 m² is paid at a favorable price.

4. For construction plots, which are located in properties under the administration responsibilities of state institutions, upon the transfer of ownership, according to this article, the responsibility of administration extinguishes itself. For these areas, SAC notifies the relevant institution.

5. For construction plots occupied by illegal constructions, which extend to assets transferred to local self-government units, according to the legislation in force for the transfer of state-owned public immovable properties of the state to local government units, the provisions of this article apply. SAC notifies the local self-government unit for the revocation of ownership/use. The local self-government unit has the right to request from the Council of Ministers the replacement of properties occupied by illegal constructions with other free state properties.

6. For construction plots located on private land, owned by third parties, the transfer of the right of ownership is realized at the time of entry into force of the decision of the Council of Ministers for the compensation of non-possessing owners. Until that moment, the construction is registered without relations to the land.

7. Real rights of third parties on land do not impede the transfer of ownership of the construction plot.

8. The sale price of a construction plot for illegal residential buildings with a residential function is a favorable price. For mixed-use constructions (partly "residential" and partly "socio-economic"), the two prices are proportionally applied, according to the ratio between "residential" and "socio-economic" activity areas.

9. Payment of the construction plot amount is made in ALL, in full monetary value and in privatization bonds. Privatization bills, acquired by former political persecuted persons and other subjects during the process of privatization of state property, have the same treatment with other privatization bonds.

10. Until the full amount of the financial liability for the construction plot is paid, the legal mortgage is burdened over the legalized property.

11. The detailed rules for the transfer of the right of ownership, the payment, the favorable price, the categories of benefiting subjects, and the rates of the use of the privatization bonds are approved by a decision of the Council of Ministers.

Article 20

Cases when the subject possesses more than one illegal construction

1. If a subject possesses more than one illegal construction, he has the right to choose, by a notarial act, for which he will benefit the ownership of the construction plot at the favorable price of legalization. For other constructions, the price determined in the property value map, approved by decision of the Council of Ministers, and the service fee, regardless of the categorization of objects' function or the surface of the construction plot.

2. When the subject does not present the notary declaration, according to point 1 of this article, the SAC treats with favorable price the construction with the smallest surface of the construction plot.

3. When a subject possessing more than one illegal construction transfers, by a notarial act, the right to legalization of one or more constructions to third parties, a favorable price does not apply for any of the constructions.

Article 21

Compensation of non-possessing owners

1. For non-possessing owners, whose properties are occupied by legalized construction plots, the Council of Ministers approves, by decision, the amount of financial compensation for the relevant surfaces.

2. The calculation of the compensation value is made on the basis of the price determined in the property value map, for the type of "land" property. The manner of distribution of the compensation fund created by the transfer of ownership of construction plots, and the applicable criteria and procedures, are determined by a decision of the Council of Ministers.

3. When on the land of the construction plot owned by the non-possessing owner burdens the mortgage, the procedures of legalization and approval of the measure and the value of the financial compensation are not obstructed. The mortgagee creditor is entitled to a guarantee (pledge) on the amount of financial compensation, which is reflected in the decision of the Council of Ministers. The SAC sets in a special bank account the amount of financial compensation which is not made available to the beneficiary subject without the approval or agreement of the creditor.

The same rule applies to other real rights of third parties on the construction plot.

4. When there are overlapping of several ownership titles for the land of the construction plot, the decision of the Council of Ministers on the extent and amount of financial compensation shall be approved without specifying the beneficiary of the amount. Upon approval of this decision, the SAC makes the registration of ownership over the construction plot in favor of the possessor of the legalized construction. The amount of financial compensation is set on a special bank account and made available to the subject that will result in a final court decision that resolves the overlap.

Article 22

**Special arrangement for those who possess the plot,
according to a legal unregistered act**

1. The possessor of an illegal construction, if he or she owns an administrative act, a court decision or a contract on transfer of ownership of a construction plot, entered or certified before the notary public, with the lawful possessor or with the person to whom the right of ownership is transferred to, regardless of the number of transactions made, submits this documentation to the SAC for the purpose of ownership registration.

In the sense of this Article, the term "contract" refers to any legal transaction for the transfer of immovable property, recognized by the provisions of the Civil Code, in the form of a separate contract, including related or certified agreements in front of a notary public, with the object: possession of immovable property.

2. For the subjects under the terms of this article, the registration of the ownership of the construction plot is realized by paying only the fee for registration, without penalty interest and other applicable taxes.

3. The previous owner of the plot, which has transferred the right of ownership under this Article, is deprived of the right to compensation of property.

Article 23

Disputes over the rights on the construction that is legalized

1. When during the legalization procedures it is ascertained that for the same illegal construction there are applications from two or more subjects, the legalization procedures continue in favor of the subject that applied first.

2. Disputes between applying subjects and third party claims on illegal construction rights or ownership ratios on the construction are resolved by a court. For illegal constructions that are subject to a court dispute according to this point and that are qualified for legalization, the SAC does not suspend the administrative procedure but approves the legalization without determining the beneficiaries.

3. Upon completion of the trial of the lawsuit, the registration of ownership over the legalized property is made according to the content of the final court decision.

Article 24

Judicial disputes over land rights

1. When the SAC is notified by the interested party or the court that a claim has been filed with the object of ownership/co-ownership over the land, the invalidity of the title of ownership over it, or any dispute of third parties for the ownership ratios over the land, who have no claim on illegal construction, the legalization procedure is not suspended.

2. The judicial decision on securing the lawsuit constitutes a cause for the suspension of the legalization procedure, only if the court expressly ordered its suspension.

3. In these cases, the financial compensation shall be approved without determining the beneficiary subject. The amount of financial compensation is placed on a special bank account and made available to the subjects that will result beneficiary after the lawsuit has been adjudicated, by a final decision.

Article 25

Claims for item's return

SAC, upon the information from the interested party or the court that a lawsuit has been filed with the object of restoring the non-possessing owner to possession of the land occupied by illegal construction, suspends the legalization procedure until the conclusion of the trial of the lawsuit by a final decision. In the event of a lawsuit acceptance, the SAC decides on the exemption of the illegal construction from legalization.

Article 26

Special treatment

1. Illegal constructions, which have more than 50% of the surface (construction base) on private land of third parties, where approved territorial planning documents anticipate constructions over 6 floors from the zero level, are not legalized.

2. For illegal constructions with a residential function, found under these conditions, the following actions are taken:

a) the administrative proceedings are suspended until land development, according to the approved territorial planning documents;

b) a notarial agreement must be concluded between the possessor of the illegal construction and the owner of the land (or the investor), where it is to be determined to make available to the possessor a construction surface at the time of completion of the building to be developed. The notarial agreement is submitted to the territory development authority and the SAC. In the case when the above agreement is not reached, the landowner or investor submits a notarial declaration to the territorial development authority and SAC, which specifies the obligation to transfer residential property to the ownership of the family that possesses the illegal construction. In no case shall the area to be made available be less than the area required for the housing of homeless families, in accordance with the legal norms in force;

c) illegal construction is excluded from legalization after the approval of the construction permit for the new object and the fulfillment of the conditions of letter "b". Up to this point, the illegal construction is used by the possessing subject.

3. For illegal constructions with a socio-economic function under the terms of this article, the procedures of exclusion from legalization shall apply immediately.

4. In all cases, legalization procedures may follow and possessors may benefit from legalization if the landowner expresses his consent through a notarial act.

Article 27

Buildings constructed by legal persons in the process of bankruptcy

1. For illegal constructions, which are categorized as objects with a violation of the construction permit, when construction/investing subjects are in the conditions of dissolution of the trade company, as provided by the legislation in force for traders and trade companies, or do not fulfill the obligations deriving by this law, by abandoning the legalization process, the approval of legalization is made for the building possessors who have entered into contractual relations with them.

2. Obligations for payments pursuant to this law and the tax liabilities charged to the building entity shall not prevent legalization in favor of the possessors and shall not be extinguished but collected by the tax authorities in accordance with the applicable legal framework.

3. The SAC sends to the local self-government units the list of development entities//investors that have violated the terms of the construction permit or do not follow the legalization procedures, in order to identify them as risky subjects in the mismanagement of the territory.

4. The special legalization procedures in favor of the possessors under this Article, and the rules for the finalisation of the procedure by the entities and/or the construction companies/ investing, shall be determined by decision of the Council of Ministers.

Article 28

Effects of legalization in the cadastre regime of the land

Legalization of illegal constructions automatically changes the type of property in the registers of public immovable properties, turning the surface of the construction plot into "land".

Article 29

Buildings excluded from legalization

1. Possessors of illegal constructions that are not legalized pursuant to Article 15 and Article 26, point 3, of this Law shall be treated by the state through social housing programs, financial compensation programs or other alternative forms of treatment.

2. The Council of Ministers shall determine the ways of handling and calculating the amount of financial compensation, alternative forms of treatment, and the rules and deadlines for their implementation.

3. The subjects, whose constructions are exempted from legalization under Article 14, point 4, and Article 18, point 4 of this Law do not benefit the treatment under this article.

Section 2

Objects without ownership title and yards in use

Article 30

Objects without ownership title and yards in use

1. For objects without ownership titles, their functional lands, and yards in use, the SAC approves the ownership document in favor of the possessors.

2. If the possessor of property, which is treated according to this article, has also made illegal constructions in the same property, it is proceeded as follows:

a) for objects without ownership title, the SAC approves the ownership document, according to this article, based on the factual construction situation;

b) for yards in use, the SAC identifies illegal constructions from the object with ownership title. Illegal constructions are legalized if they do not violate the criteria set out in Article 15 of this law.

3. For objects without ownership title and their functional lands, and for yards in use, the approval of the ownership document for the land surface of up to 300 m² is made free of charge,

regardless of whether the possessor has also constructed illegal constructions on this surface or not.

4. When the functional land of the object without ownership title or the yard in use results in the private ownership of third parties, the rules referred to in Article 21 of this law are applied. Exceptionally, in these cases, the possessor must pay the value of the land, which is calculated at a favorable price and with the same facilities, discounts and payment as defined in Article 19 of this law.

5. Acts for the inventorization and transfer of state immovable properties to the local self-government units, for the parts available on the properties provided by this article, are considered null and void.

6. The detailed rules for the approval of the ownership document for these properties are determined by a decision of the Council of Ministers.

7. If on the functional ground of a property without an ownership title or in a yard in use are found illegal constructions of third parties (which do not belong to the possessor of the object without ownership title or the yard in use) they are subject to the criteria and procedures under section 1 of this chapter.

CHAPTER IV

UPDATING, INVENTORIZACION, TRANSFER AND REGISTRATION OF IMMOVABLE STATE PUBLIC PROPERTIES

Article 31

General provisions for the process

1. The provisions of this Chapter shall apply to:
 - a) immovable properties of central government, regarding:
 - i) updating of property inventories, approved before the entry into force of this law;
 - ii) inventorization of uninventorized properties;
 - iii) their registration in the immovable property register;
 - b) for immovable properties of local self-government units, regarding:
 - i) updating public property lists of the state transferred to the ownership or use of local self-government units before the entry into force of this law;
 - ii) their registration in the immovable property register.
2. State property lists are subject to revision according to the rules set out in this chapter, with the purpose of drafting final lists after complete updating of information on the factual situation and on the rights or obligations upon them.
3. The recent transfer of state immovable properties to the local self-government units shall be conducted in accordance with the procedures provided in the legislation in force for the transfer of public immovable properties to the local government units only after the updating the property has been performed in advance, according to the rules of this chapter.

Article 32

The principles of updating state property

The principles governing the update process under this article are the following:

- a) priority of private ownership titles to the list of state properties. If for a property (or part of a property), which appears on the list of state properties, it exists an ownership title of the third parties, approved under the special legislation, the latter shall be registered in the public register. When the administration institution, the local self-government unit or the SAC concludes that the title of private ownership extends over public property that could not be alienated under special legislation, it requires the State Advocacy to file a lawsuit for the recognition of state ownership and the invalidity of the private title ownership, at the competent court;
- b) compliance with the real rights of third parties, which burden on state property;
- c) reflection of the real situation of the property, through field observation, carried out with the presence of representatives of the SAC and the administration institution or the local self-government unit. Hardened buildings and assets, which appear on the list of state properties, but

do not exist on the ground, are not registered and, if registered, are deleted from the public register.

In any case, the surface, position, configuration and other physical properties of the property are reflected in the register according to the situation ascertained on the ground;

ç) priority of construction plots that are legalized, objects without ownership title and their functional lands, as well as yards in use, in accordance with articles 19 and 30 of this law, to the list of state properties;

d) accurate mapping of state property, according to the cartographic framework of the SAC.

Article 33

Updating from the administration institution/local self-government unit

1. State institutions and local self-government units are obliged to carry out the complete updating of the properties inventorized or transferred in their favor within 18 months from the date of entry into force of this law.

2. The update procedure relies on:

a) verification of the factual situation of the property, through field identification, carried out with the assistance/participation of SAC;

b) verification of the legal status of the property. The administering institution or the local government unit asks the SAC to provide complete information on the state of ownership, according to the documentation that the latter administers, including information on other transitory processes provided in this law.

3. At the conclusion of these verifications, the management institution/local self-government unit submits to the SAC the list of updated state properties, the compulsory part of which is the cartographic documentation.

4. The SAC reviews the compliance of the list of state properties with the principles set out in Article 32 of this law. If discrepancies are found, the SAC performs the necessary changes and notifies them to the management institution/local self-government unit.

5. The list of state properties, updated according to this article, is subject to temporary registration in the public register until the approval of the final list by decision of the Council of Ministers. At the same time, with the temporary registration, the SAC drafts and submits the draft decision for approval of the final list of state properties to the Council of Ministers

Article 34

Approval of the final list and registration

Upon approval of the decision of the Council of Ministers on the list of state properties, temporary registration takes final value and becomes part of the public immovable property register.

Article 35

Partial update of state property lists

1. The update is also performed individually for one or more properties of the state property list (partial update) as follows hereunder:

a) from the SAC, mainly during the initial registration procedures or upgrading/updating of the immovable property register of the cadastral area;

b) upon the initiative of the state institution or local self-government units, according to their needs.

2. Partial update, approval and registration follow the same principles and procedures as in Articles 32 to 34 of this law.

Article 36
Authorization provision

Detailed procedures for updating state property lists and rules for cooperation between institutions are determined by a decision of the Council of Ministers.

Article 37
Change of administration responsibility and transfer

After the entry into force of this law, proposals for changing the responsibility for the administration of state properties, inventorization of properties that have not previously been inventorized, and transfers to the local self-government unit are submitted to the Prime Minister by the SAC and approved according to the legislation in force for state immovable properties.

Article 38
Uninventorized properties

Properties that have not been inventorized until the entry into force of this law shall be inventorized and registered under the same principles and rules as provided in Articles 32 to 34 of this Law.

Article 39
Suspension of procedures

When filing a lawsuit according to letter "a" of article 32 of this law, and in any case when the SAC, the management institution or the local self-government unit determines that for the state property or part of it, a lawsuit is being judged, whose object consists of third party ownership claims, the updating, inventorization or transfer procedures are suspended until the judgment ends by a final decision. Suspension extends only to that property or property area that is the subject to the trial.

Article 40
Registration fees for state institutions and local self-government units

1. Reduced service fees are applied for the initial registration of properties of state institutions and local self-government units.
2. For properties registered before the entry into force of this law, state institutions and local self-government units do not pay a registration fee for the changes that will result in the register of properties from the update under this chapter.
3. Registration of updated properties of state institutions and local self-government units is not subject to the prepayment of the service fee. Notwithstanding the above, they are refused any further service of property by the SAC until the initial registration fee is paid.
4. SAC forwards to each institution and local self-government unit the amount of debit accumulated during the year for the purpose of registering their properties, which is settled within March of the following year. State institutions and local self-government units have a duty to anticipate in their annual budgets the settlement of liabilities for the registration of properties in ownership or their administration, according to the respective amounts of liability calculated by the SAC.

Article 41
Prohibition of alienation before registration

1. In accordance with Article 195 of the Civil Code, any action of property alienation from local self-government units after the entry into force of this law is prohibited without its prior registration in the public register.

2. State institutions and units of local self-government shall have the obligation, within 60 days from the entry into force of this law, to create or charge a special structure, whose object of activity shall only be the inventorization, completion, updating and follow-up of the process until the registration of properties in the public register of immovable properties and provision with a certificate of ownership for each property.

3. The structure, referred to in point 2, shall be the contact point of the institution concerned with the SAC. Central and local self-government institutions are obliged to keep the inventory list of properties approved on their behalf, update it, coordinating with SAC in accordance with articles 32, 33, 34 and 35 of this law.

Article 42 **Data digitization**

1. SAC creates a digital archive of public property, which is integrated into the electronic immovable property registration system.

2. SAC also digitizes all the state property inventory lists issued so far, as a result of this process over the years, and maintains and updates this information in a written and electronic format in parallel.

Article 43 **Updating data on union properties**

1. SAC, pursuant to this law, shall verify, specify and update inventory lists of immovable properties, transferred to the administration of trade unions, and shall identify the relationships created with third parties for these properties.

2. When, during the process of updating, it results that the properties transferred to the administration of trade unions have not been previously registered in public registers of immovable properties, SAC shall make their registration according to legal documentation, through which the right of ownership is proved.

3. The product of the update and completion process shall contain the following data:

- a) the number and type of inventorized immovable properties;
- b) the number of inventorized movable properties;
- c) the type of relationships established with third parties and, if any, the change of this relationship, including:
 - i) lease contracts with third parties;
 - ii) contracts of use with third parties;
 - iii) making mortgages on properties in favor of third parties;
 - iv) any type of legal transaction carried out for these properties that is registered in public registers;
- ç) the list of cultural objects of former agricultural enterprises, which have been transferred or should have been transferred to the ownership of local government as identified;
- d) a list of all inventorized objects;
- dh) any other necessary information related to the process.

4. At the finalisation of the updating and completion process, SAC shall drafts an evaluation report, which shall be submitted to the Council of Ministers.

CHAPTER V

OWNERSHIP ADJUSTMENT IN THE STIMULATED AREAS

Article 44 **General Provisions for the Process**

1. This chapter applies to “stimulated areas” and subjects that have acquired rights over such territories, such as:

- a) stimulated persons or subjects of non-tourist/non-stimulated activities, according to Law no. 7665, dated 21.1.1993, repealed;

b) third parties, who have entered into juridical-civil relations with them (interested parties), regardless of the number of transactions (successive legal actions) performed.

2. The stimulated persons, who have fulfilled all obligations arising from the lease and development agreement, if they are not interested in changing the ownership of the land, are not subject to the procedures provided in this law.

Article 45

Identification and survey plan

1. In the stimulated areas, the SAC conducts the field survey of the construction units and land, and drafts up the survey plan, which reflects the actual construction condition of the area, according to the boundaries set in the documentation approved by the territory planning authority. When it is impossible to determine the boundary of the stimulated area, through documentation approved by the territory planning authority, then this limit is equal to that determined by the development agreement and/or lease (if any). Whereas, when from evidence, it results that the stimulated area (on terrain) has a different position from the documentation approved by the planning authority, the boundary of the area in the survey plan will be based on the actual situation.

2. For drafting the survey plan, the SAC requires central and local institutions to copy the documentation for the development of units/construction complexes by stimulated persons. This documentation is made available to SAC within 30 days of the request of the latter.

3. The detailed rules for drafting the survey plan are determined by a decision of the Council of Ministers.

Article 46

Transfer of ownership over the land of construction units

1. The stimulated person shall benefit from the transfer of ownership over the land of those construction units for which he/she has not entered into a relationship of order, entrepreneurship, promise of sale or transfer of ownership, sale, donation or exchange with third parties.

2. The interested subjects, who have contracts with the stimulated person, for the aforementioned juridical-civil actions, regardless of the number of transactions made, have the right to benefit from the transfer of ownership over the plot of construction units. Interested subjects must submit the documentation in question, contracts, within 12 months from the entry into force of this law.

3. The stimulated person and the interested subjects, beside the land of the construction units, also benefit from the free land in the stimulated area, in compulsory co-ownership, according to respective reports/parts.

4. Detailed rules on the transfer of ownership, deadlines, method of calculation and payment notification, deductions received and the model of the act on transfer of ownership are determined by decision of the Council of Ministers.

Article 47

Prohibition of actions for registered construction units

If the construction units, reflected in the survey plan, are recorded in the immovable property register, no alienation can be made on them until the end of the procedures for land ownership transfer.

Article 48

Mandatory deadlines

1. When the interested subject fails to submit the documentation pursuant to point 2 of Article 46, he/she shall lose the right to benefit from the transfer of land ownership and the legalization of the construction unit. In these cases, the land and the building unit are transferred in favor of the state, on account of the physical fund for property compensation.

2. After the legalization and registration in the favor of the state, the SAC notifies the interested subject or, as the case may be, the stimulated person for the handing over of the unit constructed, which is done with minutes. In the event of non-execution within 30 days, the notice of handing over shall become an executive title.

3. When the construction unit is registered in favor of the interested subject and the latter does not pay the value of the land within one year, the payment notice becomes an executive title.

Article 49

Legalization of construction units

1. In addition to the transfer of land ownership, the SAC makes the legalization of the construction unit, if the latter is not registered in the public register, or only of the illegal extensions made to it, if it is registered. The legalization is, in any case, made according to the factual situation.

2. The legalization of the construction unit is made in favor of:

- a) a stimulated person if the latter has not entered into a relationship of order, entrepreneurship, promise of sale to third parties, interested parties;
- b) the interested subject if the above contracts are available.

3. When the construction unit is registered in the public register and the interested subject has a contract for transfer of ownership, sale, donation or exchange, the registration of the transfer of ownership is made according to this contract.

Article 50

Priority and dispute resolution

1. When, during the performance of the procedures under this chapter, it is ascertained that for the same construction unit there are overlapping of applications by two or more interested parties (whose contracts are not chronologically linked), procedures shall continue in favor of the subject possessing the earliest contract.

2. Disputes between the interested subjects, the stimulated person and the interested entity or the claims of third parties for rights over the constructed unit or for the reports of ownership over it shall be resolved by a court.

3. During the review of the judicial dispute, the procedures for the constructed unit and its land are suspended and resumed under the terms of this law, as the court decision is final.

Article 51

Special arrangement

Exceptionally, if the land in the stimulated area appears in ownership of third parties who have no agreement with the stimulated person or interested subjects, for the arrangement of ownership ratios, the SAC applies the compensation procedures of the non-possessing owners, provided in Article 21 of this law.

Article 52

Preservation of the area's status

Despite the transfer of ownership and legalization under this chapter, the territories of the stimulated areas remain "areas of national importance", subject to special development conditions and procedures provided in the legislation on territorial planning and legislation on tourism.

CHAPTER VI

COORDINATION WITH THE PROCESS OF HANDLING PROPERTIES
OF EXPROPRIATED SUBJECTS

Article 53

Reference provision

Finalisation of the recognition and compensation process for the subjects to whom the properties have been expropriated, nationalized or confiscated, according to the legal and sub-legal acts, criminal court decisions, or otherwise taken by any other unfair by the communist state dated 29.11.1944, is carried out by the Property Treatment Agency, according to the rules stipulated in the property treatment legislation and the finalisation of the property compensation process.

Article 54

Coordination with transitional processes

1. The Property Treatment Agency has the obligation to prioritize the requests for recognition and physical compensation of the subjects of the legislation on the treatment of property and the finalisation of the property compensation process in the territories where the SAC implements the transitional processes, according to other chapter of this law.

2. The cartographic elements accompanying ATP's (Property Treatment Agency) decision-making for compensation must be consistent with the cartographic framework used by SAC.

3. The subjects who become owners of construction plots pursuant to the provisions of section 1 of chapter III of this law and at the same time are subject to the implementation of the legislation on the treatment of property and the finalisation of the process of property compensation, only benefit compensation that corresponds to the difference between the value of the expropriated immovable property and the value of the construction plot. If this difference is negative, they do not benefit from the property treatment legislation and the finalisation of the property compensation process. This provision does not extend its effects if the transfer of the property of the construction plot to the subject is made in accordance with Article 22 of this law.

4. The detailed rules of work coordination between SAC and ATP are determined by a decision of the Council of Ministers.

Article 55

Land Fund

State immovable properties, which have become part of the land fund, according to the legislation on property treatment and the finalisation of the property compensation process, are subject to updating, in order to identify their real legal and physical condition. The update is made by the SAC and ATP and is guided by the same principles as set out in Article 32 of this law.

At the end of the update, if changes are evidenced to the factual situation of the property in relation to the land fund, approved by a decision of the Council of Ministers, it is proposed to amend the respective decision according to the updated situation.

CHAPTER VII

HANDLING PROBLEMS
RELATED TO BAD IMPLEMENTATION OF THE LAW

Article 56

Developed properties and third party protection

1. All titles of private ownership created by state institutions before the entry into force of this law are considered valid, regardless of irregularities of form, procedure or content if:

a) the beneficiary of the title has transferred the right of ownership over the property to third parties;

b) the property is developed under the legislation "On territorial planning and development".

2. Legalization under this Article does not extend the effects to those matters that have been treated differently by a final court decision, adopted before the entry into force of this law.

3. Claims filed by state institutions prior to the entry into force of this law and which have not been tried by a final decision on invalidation/revocation of titles and the recognition of state ownership over property are assessed according to the provisions of point 1 of this article.

Article 57

Cartographic inaccuracies and other material errors

For the compliance of ownership title data with the real property situation, position and configuration, the SAC, according to this law, has the authority to correct cartographic inaccuracies and other material errors of ownership titles created at origin, by state institutions.

Article 58

Lands given for construction from local authorities and other adjustments

1. The Council of Ministers approves the norms for the legalization of the lands given for construction purposes by the local government bodies in favor of private entities before the entry into force of this law.

2. When, following the actions or omissions of state bodies before the entry into force of this law, irregularities of form, procedure or content have been created that affect the titles of ownership of a number of subjects which are not specifically regulated in other provisions of this law, the Council of Ministers shall approve the norms for legalization and placement under a regular legal regime of these titles, applying as far as possible the conditions and criteria provided in this law for similar situations.

CHAPTER VIII

PRIVATIZATION OF THE STATE LAND IN USE

Article 59

Transfer of ownership over state land in use

The SAC conducts the transfer of ownership for:

a) non-privatized lands of buildings privatized by citizens under Law no. 7512, dated 10.8.1991, repealed;

b) non-privatized lands of buildings sold by state-owned enterprises before the entry into force of Law no. 7512, dated 10.8.1991, repealed;

c) non-privatized land on which buildings are built, based on construction permits issued by local government bodies after 10.8.1991 and onwards, and lands of objects and buildings former property of former agricultural cooperatives, the sale of which was carried out by former agricultural cooperatives or local government bodies;

Article 60

Initiation of ownership transfer procedure

The procedure for the transfer of ownership under this chapter is initiated as follows hereunder:

a) from requests submitted by interested subjects to the Directorate of Administration and Sale of Public Property in the Ministry of Finance and Economy prior to the entry into force of this Law. For the implementation of this item, the DASHPP (Directorate for the Administration and Sales of Immovable Properties) is responsible to transmit to the SAC within 60 days from the entry into force of this law, the requests and the documentation administered;

- b) upon a request submitted by the interested subjects to the SAC after the entry into force of this law;
- c) mainly by SAC, during initial registration procedures or upgrading the cadastral zone.

Article 61

Method of ownership transfer and payment regimes

1. The transfer of ownership for the areas of land pursuant to this chapter is performed by a decision of the SAC, whose model is determined by the Council of Ministers, and is performed as follows:

- a) free of charge, for the lands of residential buildings;
- b) upon payment, according to the price determined in the property value map, approved by decision of the Council of Ministers, for lands of socio-economic buildings. The legal mortgage is registered for the land that is transferred in ownership, until the full repayment of the liability value.

2. When the possessor of the land in use has also carried out illegal constructions on the same plot, the transfer of land ownership is obtained according to point 1 of this article.

3. The subjects legitimized to benefit from facilitations in the payment of the land, and who have filed a request, according to the terms provided in Law no. 10 270, dated 22.4.2010, "On the right to privatize the state land in use and the tax on the right to use it", as amended, are also recognized these rights under this law.

4. The detailed procedures applicable to the transfer of ownership under this chapter and the template of the act on the transfer of ownership shall be determined by a decision of the Council of Ministers.

5. When on a part of the state land in use it is found illegal construction of third parties (which does not belong to the owner of the privatized construction/with construction permit), this construction and the plot occupied by it shall be handled according to the rules of chapter III, section 1 of this law.

CHAPTER IX

OVERLAPPINGS

Article 62

The purpose of this section is to resolve overlappings caused before the entry into force of this law from material errors/inaccuracies of cadastral maps or ownership titles.

Article 63

Fictitious overlappings

1. When, for an immovable property in a cadastral zone that has been subject to initial registration prior to the entry into force of this law, a request is made for the registration of the ownership title, which is overlapped on the map, in whole or in part, with another previously registered title, the local directorate of the SAC controls the cadastral map in order to identify whether overlapping stems from errors/inaccuracies in positioning the title registered in the cadastral map. If necessary, the local directorate identifies properties on the ground. When overlapping stems from inaccuracies in the cadastral map, as appropriate, the local directorate shall act as follows:

- a) if the error/inaccuracy in the cadastral map is only for one property and does not affect the boundary properties, it shall correct the error on the map and notify the owners of the correction, following the registration procedures for the title for which the request was filed;

- b) If the error/inaccuracy in the cadastral map requires the repositioning of many misleading titles, the local directorate shall implement the procedures for improving the cadastral zone according to chapter VI of the Law "On Cadastre".

2. Where the error/inaccuracy lies in the cartographic elements of the ownership titles itself, the SAC shall act as follows:

- a) for titles approved before the entry into force of this law by state institutions, it shall correct mistakes, notify the interested parties and shall continue with the registration of the title;
- b) for cartographic errors that originate in final court decisions, correction may be effected only with the consent of the beneficiary party of the rights, according to the court decision.

In any case, the correction under this point cannot infringe the rights of the owners of boundary properties.

CHAPTER X

APPEAL

Article 64

Administrative and judicial appeal

1. In the composition of the SAC, it is established a special structure for reviewing the administrative complaints against acts and administrative actions/omissions of the SAC related to the transitional processes provided in this law.
2. The administrative appeal shall be exercised and reviewed in accordance with the terms and rules provided in the Administrative Procedure Code.
3. An appeal to the competent administrative court may be filed against the decision of the special structure for review of administrative appeals, according to the legislation in force for administrative courts and the adjudication of administrative disputes.

CHAPTER XI

REVENUES FROM TRANSITIONAL PROCESSES

Article 65

The division of revenues received from the transitional ownership processes

1. During the implementation of the procedures, according to this law, the SAC collects and uses revenues from:
 - a) the transfer of the ownership right over the construction plot of illegal constructions;
 - b) the transfer of the ownership right over the additional surfaces, according to letter "a" of point 1 of article 9 of this law;
 - c) the transfer of the ownership right in the cases provided in point 4 of Article 30 of this law;
 - ç) the transfer of ownership right over lands in the stimulated areas;
 - d) the transfer of the ownership right in cases under letter "b" of point 1 of article 61 of this law;
 - dh) service fee for illegal constructions, with a socio-economic use function or for second constructions;
 - e) additional service fee, according to point 2 of article 18 of this law;
 - ë) service fees for objects without title and yards in use, according to article 30 of this law;
 - f) penalties for non-compliance with the construction permit by the construction/investing entities for objects with a violation of the construction permit, which are legalized according to this law;
 - g) fees for the registration of central government state properties or transferred to the NJVVs.
2. Exceptionally, 50% of the revenues generated under letters "a", "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 treatment of property and finalisation of the property compensation process.
3. The value of fees, payments, penalties and method for their calculation, collection and administration shall be determined by decision of the Council of Ministers.

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

Article 66

Provisions on the acquisition of land in ownership and verification of titles

1. If, by a final court decision, before the entry into force of this law, it is otherwise decided, the criteria and procedures under Articles 7 and 8 of the law are inapplicable. This includes the case when the court has imposed the obligation to register the AMTP (act of land acquisition in ownership).

2. Upon entry into force of this law, administrative proceedings conducted with prefects for the verification of titles on agricultural land shall be dismissed.

3. The approved decisions of the prefects on the legal validity of agricultural land titles shall be taken into account by the SAC in so far as they comply with the provisions of Chapter II, Section 2, of this Law.

4. Requests submitted to the local commissions for which the review has not been completed shall be handled by the State Cadastral Agency in accordance with the criteria and procedures of this law.

5. After the entry into force of this law, the SAC evaluates the waiver of the lawsuit for all court proceedings initiated by the local commissions, if the conditions set out in Chapter II, section 2 of this law are fulfilled.

6. The rules provided in points 1, letters "a" and 3, of Article 9, shall also apply to state properties in plots during the initial registration or upgrading/updating procedures prior to the entry into force of this law.

7. At the end of the procedures for legalization and registration, according to chapter II, section 2, of this law, the subjects are obliged to submit to the SAC the acts of land acquisition in ownership (AMTPs).

8. Requests for transfer of ownership of agricultural land of the subjects that were not legitimized under the legal and sub legal acts on agricultural land, which have been rejected before the entry into force of this law, shall be reviewed in accordance with the provisions of Article 10 of this Law.

Article 67

Transitional rules for legalization procedures

1. Applications for legalization, administered before the entry into force of this law, which have shortcomings in elements of form, are considered valid and the illegal constructions, declared through them, shall be reviewed under the terms of this law.

2. For buildings legalized prior to the entry into force of this law, for which the decision of the Council of Ministers on the transfer of the right of ownership of the construction plot has not been approved, the ownership title on the land (plot) or over the pertaining part of the land is considered acquired under the legalization permit. The rules provided in points 4 to 11 of Article 19 of this law apply to these cases as well.

3. Draft Decisions of the Council of Ministers "On the transfer of ownership on construction plots and compensation of non-possessing owners" since the entry into force of this Law are in the process of being coordinated, approved and given legal effects regarding the compensation of non-possessing owners.

4. Decisions of the Council of Ministers "On the transfer of ownership of construction plots", approved before the entry into force of this law, are not reviewed for the effect of changing the data on the transfer of ownership of construction plots. These changes are realized through the legalization act that is approved under this law. In any case, the change of data for the transfer of ownership of the construction plot is carried out only if one of the following situations occurs:

a) the holder of the building (beneficiary of the transfer of ownership) requires the reduction of the surface of the construction plot or its expansion within the provisions of the law;

b) the possessor has recognized, or transferred to third parties rights to construction during the legalization procedures;

- c) the decision of the Council of Ministers does not reflect the factual situation of construction or construction plot;
- ç) the approved surface of the construction plot falls in contradiction with the qualification criteria for legalization; or
- d) when material errors are identified or other legal grounds are foreseen in the Administrative Procedure Code;

Changes of data in the transfer of ownership and construction plot, reflected in legalization permits approved before the entry into force of this law, are valid if one of the above conditions is met.

5. Illegal constructions, located in the territories of informal areas, approved before the entry into force of this law and not yet legalized, are treated with priority. The Council of Ministers, in the decision it adopts, according to article 15 of this law, provides for special facilitation criteria of legalization for this category of constructions.

6. The SAC, on the basis of Articles 23, 24 and 25 of this Law, shall decide on a case-by-case basis for the abrogation or not of acts on the suspension of legalization procedures approved by ALUIZNI pursuant to Articles 26 and 40 of the Law no. 9482, dated 3.4.2006 "On the legalization, urbanization and integration of illegal constructions", as amended.

7. Objects with a violation of the construction permit that are not evidenced in the orthophoto according to point 1 of Article 14 of this law shall be handled by the SAC if these conditions are met:

a) the construction is completed in the structure until the date of entry into force of this law; and

b) no previous deconstruction or confiscation has been established, according to Law no. 107/2014, "On territorial planning and development", as amended, or these penalties have been prescribed under Article 46 of Law no. 10 279, dated 20.5.2010, "On administrative offenses".

The rules for the co-ordination of work between the SAC and the local self-government units for the implementation of this point shall be determined by a decision of the Council of Ministers.

Article 68

Transitional rules for objects without ownership titles and yards in use

1. Applications administered before the entry into force of this law for objects without ownership titles and their functional lands, as well as for yards in use, for which the administrative proceeding has not been completed, shall be reviewed according to the criteria and procedures provided in this law.

2. For all subjects that before the entry into force of this law have benefited from the transfer of ownership over objects without ownership title, their functional lands and yards in use, but who have not settled the payment of the land, this payment shall be considered forgiven for the surfaces up to 300 square meters. Exceptions apply when the functional land or the yard is in use by third parties. In these cases, when the payment has not been settled, the financial obligation is recalculated on the basis of the provisions of point 4 of Article 30 of this law.

Article 69

Transitional rules for regulating ownership in the stimulated areas

1. When, prior to the entry into force of this law, the IPRO has administered the survey plan of the stimulated area and alienation actions have continued to be made on the construction units, these actions shall be considered valid and the transfer of ownership of the land is carried out in favor of the current holder of the building.

2. The overdue obligations deriving from lease and development agreements are carried forward by stimulated persons and do not obstruct the procedures for the transfer of ownership and legalization under Chapter V of this Law. The authority responsible for their collection is the National Tourism Agency.

Article 70

Obligation for the tax on the use of state land

The subjects that will benefit the transfer of ownership of lands by the SAC, according to chapter VIII of this law, shall continue to bear the obligation to pay the tax of use, provided by Law no. 10 270, dated 22.4.2010, "On the right to privatize the state land in use and the tax on the right to use it", as amended, applicable until the moment of the transfer of ownership. Such obligation is collected by the tax authorities.

Article 71

Handling religious communities' requests

Requests for the legalization of cult objects, constructed without permission, for the recognition and compensation of property, privatization or registration of ownership rights of religious communities shall be handled with priority in accordance with the provisions of this law and other legal acts in force.

Article 72

Database of transitional processes

The SAC establishes and administers the database of transitional ownership processes. The detailed rules of establishment, use, administration, storage and interaction with other state data bases are determined by a decision of the Council of Ministers.

Article 73

Administrative control

Regarding irregularities of form, procedure and content, made during the activity of the institutions competent for the transitional processes, prior to the entry into force of this law, the control within the administrative law is carried out in accordance with the provisions of this law.

Article 74

Issuance of sub-legal acts

1. Except as explicitly stated in the law, the Council of Ministers shall, within 6 months from the entry into force of this law, issue sub-legal acts on the basis and for the implementation of this law.
2. Until the sub-legal acts are issued, according to this law, existing by-laws remain in force, insofar as they do not contradict the provisions of this law.

Article 75

Abrogations and amendments

1. The legal acts listed in the annex attached to this law, and any other legal act that is in contradiction with the provisions of this law, shall be abrogated.
2. In Law no. 8744, dated 22.02.2001, "On the transfer of state public immovable properties to local government units", as amended, the last sentence of letter "c" of Article 8 shall be abrogated.
3. In Law no. 10 270, dated 22.4.2010, "On the right of privatization of state land in use and the tax on the right to use it", as amended, the provisions governing the privatization of land defined in Chapter VIII of this Law, shall be abrogated.
4. Law no. 10 270, dated 22.4.2010, "On the right to privatize the state land in use and the tax on the right to use it", as amended, shall remain in force as regards:
 - a) the taxation of state lands taken into use;
 - b) privatization of the land in use, for legal persons, trade companies.

The Directorate of Administration and Sale of Public Property in the Ministry of Finance and Economy and the tax authorities remain the responsible authorities for the aforementioned procedures.

Article 76

Templates of administrative acts

Until the adoption of the templates of new administrative acts, the SAC and local self-government units shall continue to use the templates of acts adopted before the entry into force of this law.

Article 77

Entry into force

This law shall enter into force on 1 February 2019.

S P E A K E R

Gramoz RUÇI

Approved on 20.12.2018

ANNEX

LIST OF ABROGATED ACTS

1. Law no. 7501, dated 19.07.1991, "On land".
2. Law no. 8053, dated 21.12.1995, "On the ownership transfer without remuneration of agricultural land", as amended.
3. Law no. 8382, dated 26.03.1998, "On indivisible agricultural lands".
4. Law no. 9482, dated 3.4.2006, "On the legalization, urbanization and integration of illegal constructions", as amended.
5. Law no. 9948, dated 7.7.2008, "On the review of the legal validity of creating ownership titles on agricultural land", as amended.
6. Law no. 10 186, dated 5.11.2009, "On the regulation of ownership on state land in areas with tourism priority", as amended.
7. Law no. 171/2014, "On the completion of legal procedures for the transfer of agricultural land of former agricultural enterprises in ownership of the beneficiaries".



REPUBLIKA E SHQIPËRISË

THE ASSEMBLY

The Committee on Legal Affairs, Public Administration and Human Rights

Parliamentary Document
Tirana, on 18.12.2018

REPORT ON THE DRAFT LAW “ON THE FINALISATION OF TRANSITIONAL OWNERSHIP PROCESSES IN THE REPUBLIC OF ALBANIA”

I. Introduction

The Committee on Legal Affairs, Public Administration and Human Rights, in the capacity of the responsible committee, in its meetings dated 12.12.2018 and 18.12.2018 took under review the draft law “*On the finalisation of the transitional ownership processes in the Republic of Albania*”, an initiative of the Council of Ministers.

The Committee on Legal Affairs, Public Administration and Human Rights appointed the deputy Klotilda Bushka (Ferhati) and the deputy Bashkim Fino as rapporteurs for the review of this draft law.

Mrs. Etilda Gjonaj, the Minister of Justice, Mrs. Teuta Vodo, Deputy Minister of Justice and representatives of this ministry, Mr. Artan Lame, General Director of ALUIZNI and representatives of this institution, Mr. Valdrin Pjetri Director of the Local Office for Immovable Property Registration and representatives of the Ministry of Agriculture and Rural Development were present at the meetings of the Committee to discuss and present proposals for the draft law.

II. CONSTITUTIONAL BASIS OF THE DRAFT LAW

The draft law submitted for review is proposed by the Council of Ministers, in accordance with the provisions of Articles 41, 78, 81, point 1 and 83, point 1 of the Constitution of the Republic of Albania and is accompanied by the corresponding report under Article 68 of the Regulation of the Assembly.

From the analysis of Article 81, point 2 of the Constitution and the concrete content of this draft law, it results that the field regulated by this draft law is not included in the issues that this constitutional provision deals with, and consequently the adoption of this draft law is subject to the general rule in terms of majority.

III. PURPOSE AND NOVELTIES OF THE DRAFT

The Draft Law “On finalisation of the transitional ownership processes in the Republic of Albania”, presented for review, is an important tool for the finalisation of all the transitional processes (including the problems) related to the ownership of immovable properties that have dominated in the country’s socio-economic and institutional areas during these 3 decades.

By Order No. 201, dated 21.11.2017 of the Prime Minister, it was established a special working group for the reorganization of ownership institutions and a review of the legal framework,

consisting of representatives of institutions operating in the field of immovable properties. The working group has analysed the current state of the processes and has drafted a series of recommendations on how to address the issues identified.

The need to draft and propose this draft law has arisen as a result of noticing weaknesses in the following directions:

- In material and procedural aspects of the current legal framework

The current legislation, firstly, is extremely bureaucratic in how it deals with processes related to immovable property. One of the causes of ineffectiveness so far is precisely overloading the activity with unnecessary procedural elements.

In addition to the above, in essence, the rules for the realization of each process have been revised, taking into account the principle of “lawfulness of fact”, hence, the reflection of the real condition of the property and compliance of legal relations with this condition.

In the same line, the draft law aims to find solutions to all those undealt and pending situations, because proceedings with the current framework is impossible (either because of the legal vacuum or due to legal preclusive provisions, which only identify problematic issues, without setting out the way they shall be dealt with).

- In the institutional structure

In specific terms, the fragmentation of work in a series of institutions (IPRO, ALUIZNI, AITPP etc.) has not produced the expected results (based on the specialization/differentiation of each structure), not only towards productivity (none of the processes may be considered completed or towards completion), but, above all, towards the quality of the work accomplished. It is already known that the errors/inaccuracies associated with initial registration of properties have resulted in the creation of a new “upgrade/update” process of the immovable property registry (which consists in correcting these errors). The same may be stated for the inventory of state property and its transfer to the local self-government unit, which are processes that have also carried a lot of problems, due to errors in inventory and lack of cartographic presentation of the property.

As per above, the expected effect of the draft law is to consolidate ownership relationships on immovable properties and achieve legal certainty in these relationships within a 10-year term (which is perceived to be the time needed to complete the proceedings provided in the draft law).

The purpose of this draft law is to create a simplified and harmonized legal basis for the completion of administrative processes for the treatment of state and private immovable property, by defining the rules:

- a. On the legalization of titles of ownership given, according to the legal and sub-legal acts for agricultural land;
- b. On the legalization and registration in the public register of immovable properties for illegal constructions, objects and functional land, when the acts of gaining property are missing, and for the courtyards in use;
- c. On regulating ownership relations in territories designated as “tourism priority stimulated areas”;
- d. On inventorization and updating immovable properties of central and local government, and their transfer;
- e. On the transfer of the right of ownership on unprivatized lands of privatized buildings, buildings sold by state-owned enterprises and built on the basis of construction permits, after 10 August 1991, and the lands of objects or buildings, former properties of former agricultural cooperatives;
- f. On the legal handling of problems created as a result of material errors, irregularities in law enforcement;

g. On the harmonization of the transitional processes with the process of property treatment, by the Law no.133/2015, "On the treatment of property and finalisation of the process of compensation of property".

The aims of the draft law are related to reformation at the core of the aforementioned processes, foreseeing the norms necessary for solving the problems that have accompanied their implementation, in order to conclude the property issue. In specific terms, the novelties of the draft law focus on:

- a) Systematic treatment, which means that the various property-related processes (legalization, updating, property treatment, AMTP (act of ownership acquisition of the land) registration, inventory of state property) will be perceived and implemented concurrently and systematically and no longer slovenly;
- b) Proactiveness, based on the idea that, for property-related issues, state structures should effectively take over the role of the regulator rather than that of the mere problem solver/observer;
- c) Legalization of the fact, which constitutes the spirit that will have to lead the temporary processes related to the legalization of illegal constructions, the legalization and registration of AMTPs, the inventorization of state property. Achieving this goal necessarily requires a legitimate solution to end the uncertainty that has characterized immovable property during these 25 years;
- ç) Unification of the cartographic basis on the functioning of all processes related to immovable properties, which constitutes one of the fundamental conditions to enable the realization of the reform;
- d) Deregulation, which means the shortening of procedures and documentation accompanying the administrative process, facilitating the burden of bureaucratic burden on the subjects concerned (owners/possessors of immovable properties);
- dh) Deburecratization, which means that any unnecessary elements producing burden, whether for the interested subjects, or for the state structure itself, will be eliminated from the current legal mechanism;
- e) Digitalization of all other administrative (transitional) processes related to ownership on immovable properties. The materialization of this principle is another prerequisite for the success of the reform.

In order to provide a thorough analysis of the necessity for the undertaking of these initiatives by the proposers, some statistical data were presented, as follows hereunder:

- Regarding the process of provision with AMTP for the period 1991 to 15 August 2008, 431898 AMTPs were granted. A number of AMTPs are under the process of completion, corresponding to an area of 3471 ha, while 4123 AMTPs have been complete, corresponding to an area of 1407 ha.
- Approximately 250,000 AMTPs have been registered related to the AMTP registration process.
- With regard to the AMTP verification process, out of 23520 total requests for verification, 4432 decisions were taken, and 12.069 administrative responses to the requests submitted.
- Regarding the legalization process of 227,000 legalizable objects until November 2018, 164,866 objects have been legalized.
- Approximately 2,500 requests were filed regarding the transfer in ownership of courtyards in use, out of which 1429 decisions were rendered; 848 files are to be reviewed, for which decisions shall be taken.

IV. ISSUES DISCUSSED IN THE COMMITTEE

During the presentation of the draft law to the responsible Committee on Legal Affairs, the proposers noted that "On the finalisation of transitional ownership processes in the Republic of Albania", together with the draft law "On the Cadastre", constitute one of the most important reforms related to the right of property, which includes: deburecratization and deregulation, which means that the current legal mechanism will eliminate any unnecessary element that accompanies the administrative process; systematic treatment, which means that various property-related processes will be perceived and implemented simultaneously and

systematically; proactivity related to the role of the state, which in matters related to property should effectively take over the role of the regulator rather than the role of a simple observer of problems; the unification of the cartographic base and digitalization, which is related to the functioning of all processes related to immovable properties; digitalization of the immovable property system and all other administrative processes related to ownership.

The proposers clarified that these draft laws also aim at addressing the recommendations of international partners including the World Bank, with the cooperation of which an analysis has been conducted that evidenced the gaps and issues in the field of ownership rights, but also the way they are addressed. The Ministry of Justice clarified the members of the commission that the process of drafting these draft laws has undergone a broad consultation process by developing for this purpose roundtables in districts.

The rapporteurs estimated that the draft law "On the finalisation of transitional ownership processes in the Republic of Albania" together with the draft law "On Cadastre" constitute a necessary step that will determine the foundation of the reform in property issues and is presented as a carefully considered initiative as far as analysis of problems and functioning of institutions is concerned. Both of these legal initiatives will provide the facilitation and unification of procedures related to the registration of ownership titles in order to avoid overlapping and problems identified to present by the practice and aim to provide solutions to current problems such as:

- Registration of agricultural land titles.
- Surfaces transferred in ownership without remuneration
- Legalization of illegal constructions
- Creation of an integrated register of state properties.

V. SUMMARY OF THE AMENDMENTS APPROVED IN THE COMMITTEE

Regarding the amendments that have been made in the text of the draft law proposed by the Council of Ministers "On the finalisation of transitional ownership processes in the Republic of Albania", they consist either in changing the content of the provisions in order to better address the problems related to ownership titles created on the basis of transitional processes or to the addition of certain provisions that meet the purpose of the law, so that the future law enforcement structure has full legal competence to address the diversity of problems created over the years in this area (of legal ownership relations). On the other side, some of the changes are merely rewording for the effect of clarifying the norms.

The main amendments and addenda proposed to the report with the initiative proposed by the Council of Ministers, the rapporteur, the members of the committee, the Committee on Production Activities, Trade and Environment, were discussed during the review of this draft law in the Law Committee. Prior to their adoption, they were discussed and co-ordinated between representatives of the Ministry of Agriculture and Rural Development, representatives of the Ministry of Justice and ALUIZNI.

1. As per above, some addenda and supplements have been made to the definitions of the draft law, which were necessary due to the importance of these terms in the draft law and for its fair understanding. Thus, there were added definitions on "legalization", "function of the illegal construction", "fictitious overlaps", "legal mortgage", "non-essential shortcomings of the form", "cooperatives/agricultural enterprises" and "lands given for construction purposes by the bodies of the local self-government units". This last term has been added as a result of the initiative to supplement Article 58 of the draft law, providing the authorization of the Council of Ministers to determine the norms on the legalization of land given by the local authorities for construction purposes over the years.

2. In the chapter dealing with Agricultural Lands (II), specifications and changes were made in the provisions of three sections, either by fulfilling the conditions of legalization of AMTPs granted, the procedure for the titles that do not meet these conditions, the discrepancies between the surface possessed and the title, as well as the conditions and procedures for transferring ownership without remuneration of the agricultural land. In this chapter it is also supplemented the provisions on renting of non-agricultural lands, with the necessary conditions to be met by the land subject to rental. Based on the recommendations of the Commission on Production Activities

on setting a new deadline for application for these special cases but without opening the process for those who could have done so until now, it was foreseen the possibility of filing requests up to three months after the entry into force of the law.

3. In Chapter III, additional provisions have supplemented Articles dealing with the identification of illegal constructions, their legalization, accountability in case of disaster, transfer of ownership over the building plot. It was reworded the content of the Article on the treatment of subjects whose constructions are exempt from legalization, providing economic and social support, such as the housing aspects of these subjects. In a number of other provisions, partial rewordings have been made in order to clarify them or their specification (such as “cases when the subject possesses more than one illegal construction”, “the effects of court disputes on land rights”, “Special treatment”, “Buildings constructed by legal persons in bankruptcy property”).

4. In chapter IV of the draft law, in Article 37, a specification was made by highlighting the fact that the initiative for the proposal of the respective draft decision of the Council of Ministers belongs to the Prime Minister.

5. In Chapter V of the Draft Law, a restrictive norm was removed from Article 48, which was deemed as a disproportionate penalty measure for the subjects of the chapter, which consisted in the loss of the right to benefit land and buildings in the stimulated areas.

6. In Chapter VI, relating the coordination of the land treatment process, Article 54 was supplemented by a paragraph, which is the “confirmation” of an existing legal provision in Law no. 9482/2006 (Article 34, point 1).

7. As mentioned above, Chapter VII was complemented with the anticipation for lands given for construction purposes by the LSGUs (local self-government units).

8. In the provisions of chapter VIII, specifications of terms were made for effect of uniformity. It was added a chapter, with two provisions transferred from the draft law “On Cadastre”, dealing with overlapping.

9. In chapter X, two Articles were removed, as they were deemed unnecessary in their content regarding appeal.

10. Chapter XI, in its sole Article, is added with the necessary provisions on revenues.

VI. CONCLUSIONS

In conclusion, the Committee on Legal Affairs, Public Administration and Human Rights found that:

- In the legal aspect, the draft law is in compliance with the Constitution and the legislation in force;
- In the procedural aspect, the draft law is presented in accordance with the Regulation of the Assembly;

and after reviewing the draft law in principle, Article by Article and in whole, with the votes of the present members approved the draft law, according to the integral text attached to this report.

RAPPORTEURS
KLOTILDA BUSHKA (FERHATI)
BASHKIM FINO

CHAIRMAN
ULSI MANJA

**REPUBLIC OF ALBANIA
ASSEMBLY**

**LAW¹
No. 111/2018**

ON CADASTRE

Pursuant to articles 78 and 83, paragraph 1 of the Constitution, with the proposal of the Council of Ministers,

ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1
Object of the law

This law shall regulate the public service for the immovable property registration, the organization of the institution responsible for this service and the cadastre administration mode, as an immovable property public register.

Article 2
Scope

This law shall provide for the rules on:

- a) The organization of the state cadastral regime;
- b) The registration of the private, state and public immovable properties, of the real rights on them;
- c) Improvement/updating the immovable property register;
- d) Establishment, organization and functioning of the State Cadastre Agency.

Article 3
Definitions

The following terms shall have these meanings in this law:

1. "Cadastral acts" are the unique official documents that the National Cadastre Agency issues per each owner of the immovable properties or holder of the real rights on them. These acts include: certificates, cadastral acts, cadastral map and other acts provided for in this law.
2. "Agency" or "SCA" is the State Cadastre Agency which is established and functions according to this law.
3. "Errors" are all the inaccuracies which come as a result of the wrong transfer of the data in the registers or the cadastral maps. The error is identified through the comparison of the original documents produced by the agency or after the physical property verification.
4. "Cadastral map" is the hard copy and digital map which reflects the borders, the sizes, the geographical position, in compliance with the official rules and standards for the immovable properties as well as other indicators.

¹ *Shërbimi i Përkthimit Zyrtar, Ministria e Drejtësisë, Republika e Shqipërisë, Service des Traductions Officielles du Ministère de la Justice de la République d'Albanie, Republic of Albania, Ministry of Justice, Official Translations Service*

5. "Cadastre", "cadastral register" or "immovable property register" is the public, manual and digital register, composed of the set of the files and cadastral maps, where data on the property, the real rights, the geographical position, the sizes and the monetary value on the immovable property are noted down.
6. "Cards" are the manual register pages and the digital files kept per each immovable property.
7. "Immovable property" or "property" is any immovable object, according to the meaning of the Civil Code, such as the land, water springs and flows, woods, buildings, other floating buildings related to the land and anything that is incorporated in a stable and continuous way with the land or the building.
8. "Private immovable property" is the immovable object in the ownership of the natural person or private legal person.
9. "State immovable property" is the immovable object in the ownership of the central power or of the local self-governance unit.
10. "Public immovable unit" is the immovable object under the state ownership which fulfils fundamental and inseparable functions of the state and which brings benefits in favour of the general public.
11. "Cadastral data" are the data of the ownership titles or of the real rights of the sizes and property geographical location of the property as well as of the monetary value it has in the moment of its creation and in continuation.
12. "Initial register" is the registration procedure of the first time of the immovable properties in the cards and cadastral map.
13. "Cadastral activity" is the unity of the administrative acts and activities, based on this law, carried out by the State Cadastral Agency for the registration and the updating of the cadastral data of each property, as well as for the issuance of the cadastral acts.

Article 4 **Subjects**

1. The subjects, according to the interpretation of this law, are considered to be the owners, the holders of the real rights on the immovable properties, the natural and legal persons, who have a legitimate interest on the properties.
2. The persons with a legitimate interest are the third persons, whose rights are related to the property for which data are requested (according to the trying documentation) or which exercise public functions, for whose realization these data are necessary.
3. The owners and the holders of the real rights over the properties are provided with the cadastral service, requesting only their identification at the local offices and directorates of the SCA. With regard to the registered titles, the institution shall itself verify the relation of the owner with his property, without compelling the owner to bring the documentation that is issued by the cadastral directorate itself.
4. The basic information on the cadastral map, the property address, the owner's name, the decision-makings of the Council of Ministers, the courts or the data on the functioning of the assets market shall be made public without a request.

Article 5 **General principles on cadastral service**

The public service of the immovable properties registration and the procedures related to it are guided by the following fundamental principles:

- a) The principle of legality, which provides for that the cadastral activity shall be exercised in compliance with the Constitution, the Civil Code, this law and the other legal acts.
- b) The principle of legal security: Compliance with the rights gained earlier as well as of the legitimate expectations of the law subjects.
- c) Exclusivity: The cadastral activity is a unique public service. The functions that are attributed exclusively to SCA, according to this law, cannot be exercised by other institutions.

d) Transparency: The cadastral activity shall be exercised with transparency and in close cooperation with the natural and legal persons, being a party or interested subjects, in the cases related to the immovable properties.

CHAPTER II

STATE CADASTRE AGENCY

Article 6

State Cadastre Status and Funding

1. The State Cadastre Agency (hereinafter "SCA") is a public legal person under the subordination of the Prime Minister, which is established with this law and shall function as a self-funded institution.

The funding sources are:

- a) The incomes created by the Agency itself;
- b) State budget;
- c) Donations, foreign funding and loans.

2. The budget and financial activity of the SCA shall be subject to the respective legislation into force in the Republic of Albania. The State Cadastre Agency budget shall be adopted upon the decision of the Council of Ministers, with the proposal of the minister responsible for the finances.

3. The incomes, which result to be unused at the end of the financial year, shall be inherited in the budget of the subsequent financial year.

4. As a guarantee or the coverage of the damages caused due to the cadastral activity, the SCA shall create the annual reserve fund, at the measure determined by the steering council.

Article 7

Agency Organization and Management

1. The steering council has 7 members in total. The members of the steering council are not full-time functionaries and they are respectively elected as representatives by:

- a) Ministry of Justice;
- b) Ministry of Finance;
- c) Ministry responsible for agriculture;
- d) Ministry responsible for urban development;
- e) Prime Minister's Office;
- f) A representative from the SCA.

The members shall have a professional background in the fields of engineering, geodesies, law, economy or public administration. The members of the steering council shall be appointed and dismissed by the Council of Ministers. In their first meeting, the steering council shall select the chairperson.

2. The Council of Ministers shall stipulate the rules on the steering council functioning, as well as the reward measure for the activity of the members.

3. The duration of the chairperson's duty is 2 years.

4. The steering council shall carry out the following tasks:

- a) Approving the middle-term budget draft program and annual draft program of the activity of the next financial year, which are proposed by the council to the minister responsible for the finances, as well as controlling every three months the general directions of the financial activity of the Agency;
- b) Proposing to the minister responsible for finances the adoption of the Agency's service fees;
- c) Approving the regulation on the organization and administration of cadastre data as well as of the other data administered by the SCA;
- d) Approving the annual report of the activity, including even the internal auditing matters;

- e) Presenting to the Prime Minister and to the Minister of Justice the reports on the cadastral activity;
- f) Approving the division of the registration zones and of the cadastral zones in the territory of the Republic of Albania;
- g) Approving the signing of the agreements with physical, legal, public or private persons, non profitable organizations, for the cadastral service increase or improvement;
- h) Presenting to the Prime Minister the Agency's structure and organizational chart for adoption;
- i) Presenting to the Prime Minister the level of the salaries of the Agency's employees for adoption at the Council of Ministers;
- j) Approving the criteria and the level of the reward of the Agency's employees;
- k) Approving the annual reserve fund measure, which serves as a guarantee for the coverage of the damages compensations, according to the stipulations of this law;
- l) Approving the internal regulation on the Agency functioning;
- m) Approving the short-term, middle-term and long-term political orientations, which are related to the cases of information updating at the electronic system and database;
- n) Other duties provided for in the law or in the sublegal acts.

Article 9

Director General

1. Director General shall be appointed and dismissed by the Prime Minister. He shall be elected among the lines of the professionals in the fields of engineering, geodesies, law, economy or public administration with work experience, of at least 5 years in the state administration bodies.
2. The Director General shall, in compliance with the competences stipulated in this law and in other special laws, carry out these duties:
 - a) Managing the activity of the Agency in the fields of the immovable properties registration and of the implementation of the legislation on the ownership matters, according to the political objectives of the Council of Ministers, strategic plans and performance programs;
 - b) Drafting the middle-term budget draft program and the annual draft program of the activity of the subsequent financial year;
 - c) Drafting programs and approving orders and instructions for the functioning, development, improvement and the increase of the cadastral services quality and of the activity pursuant to the legislation on the property matters;
 - d) Appointing and dismissing the personnel of the Agency, including also the directors of the directorates and local-level offices;
 - e) Proposing to the steering council the undertaking of the initiative for the review or the change of the tariffs for the services offered by the State Cadastre Agency, for the coverage of the service costs and the efficient management of the incomes;
 - f) Exercising control on the activity of the directorates and offices at local level, the rules on the professional skills testing as well as the plans for the treatment of human resources;
 - g) Specifying the special criteria to be met by the personnel of the Agency, the rules for the testing of the professional skills, as well as the periodical reports, upon the request of the Council;
 - h) Preparing and presenting at the steering council the annual financial report, the annual report on the activity of the institution as well as the periodical reports, upon the request of the council;
 - i) Presenting to the steering council the structure, the organizational chart and the level of the salaries of the Agency's employees;
 - j) Presenting to the steering council the employees' reward criteria and levels, for adoption;
 - k) Adopting, case after case, the employees' rewards according to the criteria and the levels determined by the steering council;
 - l) Representing the Agency legally in relation to third parties;
 - m) Drafting and proposing the regulations that are approved by the steering council;

- n) Drafting and presenting to the Prime Minister the draft-acts that are proposed for review at the Council of Ministers with an individual and normative character.
- o) Preparing and presenting to the prime Minister, the draft-decision of the Council of Ministers "On the approval of the map on the land value", which includes the land reference prices in the Republic of Albania. the calculation methodology of these prices shall be stipulated upon the decision of the Council of Ministers;
- 1) Other tasks provided for in the law or in the sublegal acts.
3. The Director General, during his activity, shall be supported by the general deputy directors, one of whom is the head of the structure responsible for administrative appeal. The General Deputy Directors shall be appointed by the steering council, upon the proposal of Director General.

Article 10

Structure of subordination

1. The local directorates of the Agency shall administer the cadastre of the registration area/areas under their competence, and are responsible for the implementation of the procedures provided for in the legislation for the ownership matters.
2. The local offices are structures under the subordination of the local directorates and are established at the territorial administrative units. These offices shall carry out the direct services for the public and the interested subjects.
3. The local directorate shall administer:
 - a) The cadastre (the immovable property register);
 - b) The cadastral maps for the immovable property registration area;
 - c) The judicial decisions, the administrative acts, the contracts, the other acts and documents drafted according to the law with an impact on the legal regime of the immovable property or of the real rights on them, which, according to the law, shall be registered at the immovable property registers;
 - d) Survey topographic plans, indexes of the registrations in the immovable properties registers as well as other registers, created or administered during the activity of the local offices of the immovable properties;
 - e) Recorded and electronic information;
 - f) Documentation on the administrative procedures provided for in the legislation on the ownership matters.
4. The local directorate shall be managed by the local director, who is appointed and dismissed by the Director General from the lines of the professionals of the fields of engineering, geodesies, law, economy or public administration with a work experience of at least three years in the state administration bodies.
5. The director of the local directorate is the authority who issues cadastral acts for each property that is found in the territorial jurisdiction of the directorate and shall issue acts pursuant to the legislation for the ownership matters.
6. At least deputy director shall be appointed at every local directorate, meeting the same criteria as the director and supporting the latter as he carries out his functions.

Article 11

Work relations, criteria, status and recruitment of employees

1. The work relations of the employees of the SCA shall be regulated according to the provisions of the Labour Code. The level of the salaries of the employees shall be determined upon the decision of the Council of Ministers.
2. The SCA employees shall meet the general criteria, according to the legislation for civil service, as well as special criteria stipulated by the Director General. The employees shall be selected according to the requirements regarding the specific position.

Article 12

Administrative hierarchy of the cadastral acts

1. The director of the local directorate shall be accountable towards the Director General for all the activity of the local directorate.
2. The acts of the subordinate directorate shall be subject to the administrative control by:
 - a) The structure responsible for the administrative appeals, during their examination;
 - b) The Director General, ex officio, through the internal audit structure.
3. When the Director General or the structure responsible for the complaints find out that the administrative act is illegal or incorrect, shall, accordingly:
 - a) Repeal, annul or declares the invalidity of the illegal administrative act, according to the provisions of the Administrative Procedure Code;
 - b) Instruct the directorate of subordination to correct the material mistakes in the act..

CHAPTER III

CADASTRAL SYSTEM

Article 13

Cadastral data

1. Each immovable property shall be registered in the cadastre, being reflected at the respective property card and at the cadastral map.
2. The cards and the maps which constitute the cadastre shall be administered in the hard copy and in the digital format.
3. The property card shall necessarily contain data on:
 - a) Geographic position of the property;
 - b) Surface of the property;
 - c) Type of the immovable property (building, construction land, arable land, pasture, etc.);
 - d) Identification of the property owner;
 - e) The act from which the ownership title on the property originates;
 - f) The rights of the third parties on the property and the acts from which they originate;;
 - g) Value of the property;
 - h) Any other act which changes the legal regime of the property or which creates rights or obligations on the property;
 - i) Other data which are determined upon the decision of the Council of Ministers.
4. The documentation on the rights and other data on the property, based on which the card shall be filled in, shall be preserved and archived at the local directorate..
5. The model of the immovable property cards shall be determined upon a decision of the Council of Ministers.
6. The cadastre in a digital format constitutes the state basis of the data on the immovable properties. The Ministry of Justice shall have access in this database, in the role of its supervisor.

The comprehensive rules on the use, administration and the preservation of the database on the immovable properties shall be stipulated upon a decision of the Council of Ministers, in compliance with the requirements of the legislation on the state databases.

Article 14

Registration zone and cadastral zone

1. For the purpose of properties registration, the territory of the Republic of Albania shall be divided in cadastral zones. The cadastral zone is the base unit for the creation and preservation of cadastral data. For the administration of these data, the properties within the cadastral zone shall be grouped in blocks.

2. The municipality of a series of cadastral zones with a territorial continuity shall constitute the registration zone.
3. The local cadastral directorate shall include a group of registration zones.
4. The State Cadastral Agency shall administer the unity of the cadastral zones in a unique identification system.

Article 15 **Cadastral map**

1. The data on the positioning, measures and configuration of the cadastral zone immovable properties shall be reflected by the local directorate in the cadastral map.
2. The cadastral map shall be created at the moment of the initial registration of the cadastral zone properties and is subsequently filled in by the local office.
3. The cadastral map shall necessary show:
 - a) The borders and the geographic positioning of each property;
 - b) The identifying unique number of each property within the cadastral zone number;
 - c) Other technical data which are determined according to the specifications of the Council of Ministers.These data shall be supported at the legal documents, with which the ownership relations are created, and they are a part of the ownership certificate.
4. The corpus of all the cadastral maps shall constitute the unique national map of the properties of the Republic of Albania.
5. The duty of the national agency is to create specific cadastral maps for all the territory. The specific cadastral map shall be prepared according to the need of the state for integrated cadastral information.

Article 16 **Correction of errors at cadastral data**

1. The errors which stem from the activity of the local directorate shall be corrected by the structure responsible for the appeals or upon the request of the interested persons, after the finding of the local director or of the Director General, ex officio.
2. The cadastral directorate is compelled to correct the errors during the reflection of the data in the card and in the cadastral map, based on the ownership documentation or the factual condition of the property.
3. The correction of the error is a service that is not charged.
4. When the error is found at the cadastral maps, the director of the office may order the reverification at the terrain.
5. The refusal to correct its mistakes makes the local directorate liable, according to the provisions of this law.
6. The agency shall bear no responsibilities for the errors of the notary acts concluded between the private subjects.

Article 17 **Certificates**

1. The local directorate shall, at the end of the initial registration or after the registration of each ownership transfer from one owner to another, issue the ownership certificate.
2. The ownership certificate is the unique unrepeatable document which proves the ownership title, the legal status and the property borders.
3. The ownership certificate shall be issued only to the owner or the co-owners. In the case of the co-ownership, the certificate shall be drafted in as many copies as the number of the co-owners is.
4. The ownership certificate shall always be accompanied with a copy of the cadastral card and of the respective cadastral map. After each change of the ownership on the property, its unification or separation, a new certificate, card and map shall be issued according to the updated condition.

5. The ownership, co-ownership certificate shall be issued based on original legal document which determines the creation of these rights. A certificate issued in contradiction to this stipulation is considered absolutely invalid.

6. A certificate is also issued for the verification of the other real rights on the immovable property, such as: rent, emphyteusis, use, usufruct, servitude, mortgage, etc.

7. The template of the ownership certificate and of the certificates for the other real rights on the property shall be approved upon the decision of the Council of Ministers. The certificates that are not issued according to the approved template have no legal value.

Article 18

Lost certificates

1. A "duplicate" certificate may be issued to the owner, co-owner or the holder of the real right on a property, only when the original certificate is lost or damaged in an unreadable way.

2. In these cases, the owner/co-owner or the holder of the real right shall submit a request indicating the fact on the loss of the original certificate or to show the damaged certificate.

3. The local directorate shall publish the notification for the lost or damaged certificate, for 15 days. The certificate may be issued only after this time limit expires.

Article 19

Other cadastral acts

1. The local directorate shall issue other cadastral acts, according to the legal situation of the property or service that it provides according to this law.

2. The ownership certification is the official act which is issued to try that the owner has filed the legal documents to be registered, but the property is located in a cadastral zone which has not been subject to the initial registration.

3. The extract on the condition of the property shall be issued according to the request of the owner, notary or person in charge of the function for the conduction of a legal-civil action.

4. The cadastral map of registration shall be issued upon the request of the owner, interested person, notary and court.

5. The registration certification shall be issued per each registration in special registers such as the register of the construction permit, of the power of attorney of the rent contract, as well as the special cases which are provided for in this law.

6. The application form, submitted regularly with the cadastral office, tries the commencement of the legal relation between the applicant for a service and the office. The receipt of the form shall always be certified by the cadastral office.

Article 20

Cadastral information updating

1. The cadastral data are duly updated upon the request of the owner or of the interested person by the local directorate itself, or upon the order of the Directorate General of the SCA.

2. The cadastral data shall be updated any time a transaction is carried out on the property.

3. The duty of the Agency is to set up a periodical system of cadastral data updating, which shall be reflected in any cadastral map or card. The updating is related to:

a) The change of the property value, according to the market;

b) The natural changes;

c) The interventions in the infrastructure and constructions;

d) The initial registration of the cadastral zones;

e) Other circumstances or events which are interdependent on other processes but which are ordered upon the decision of the Council of Ministers.

4. The cadastral information updating as a process shall include:

a) The updating of the legal documentation, when it is the case of the review of the requests of the owners, interested persons or the implementation of the courts decisions;

- b) The updating of the cadastral map with the changes that have happened in the field. In this case, the cadastral office shall necessarily verify itself the changes that have been made and carries out an update without changing the borders of the other properties;
- c) The updating of the property value in each cadastral zone, noting down the value any time it is determined by the Council of Ministers;
- d) The updating of the owners' addresses, related to their properties.

Article 21

Unifications and separations of the documents on the adjacent properties with the same owner

1. When the immovable properties with borders next to each other (no matter if it is in the plan or in the height) are property of the same owner and shall in any case be subject to the same rights and obligations, upon the request of the owner, the local directorate shall register their unification, closing the cards which belong to these immovable properties and opening one single card.
2. Upon the request in writing of the sole owner or of all the co-owners for the separation of an immovable property into two or more part of this property, the local directorate shall register the separation, closing the card for the immovable property that is separated, opens new cards and updates the cadastral maps for the new immovable properties which originate from the separation and shall register in the new cards all the information found in the closed card.
3. The change of the ownership on the immovable property, which dismisses the real rights on it, is not permitted in any cases. When an owner intends to separate his immovable property in parts, a new survey topographic plan of the proposed subdivisions is prepared.
4. In all the cases stipulated in the above paragraphs of this article, the owners shall lodge with the local directorate the original certificate of the property that is to be merged or separated, as well as the new ownership certificates on the properties that are created.

CHAPTER IV

TITLES REGISTRATION PROCESS

Article 22

Registration of ownership titles

1. For each cadastral zone, the local directorate shall keep a cadastral register noting down data extracted from the ownership documents of all the owners of the cadastral zone.
2. The national cadastral register shall be created and administered by the State Cadastre Agency.
3. The Ministry of Justice shall supervise the activity of the immovable property register according to the provisions of this law.

Article 23

Legal consequences of registration

1. The local cadastral directorate shall register:
 - a) The titles it creates from the legal-civil actions of the legislation on the matters of ownership;
 - b) The titles that are created by the legal-civil actions between the subjects of private law, from the judicial decisions or from the acts of the other public bodies.
2. The local directorate shall, with the registration act and the certificate issuance, guarantee formally the ownership title in favour of the owner or of the co-owners. Upon the issuance of the certificate, the owner is entitled to possess the property freely, as long as it does not have a mortgage burden.
3. The local directorate may change the content of the register only in the following cases:

- a) With the submission of a notary document which confirms the owner's will, in compliance with the provisions of the Civil Code and the legislation into force;
- b) According to the content of the judicial decision;
- c) When it is necessary, in compliance with the procedures and the criteria stipulated in the legislation on ownership matters;
- d) For the correction of the cartographic inaccuracies and material mistakes;
- e) For the register improvement-update;
- f) According to another legal act mandatory for registration, according to the Civil Code and the legislation into force.

Article 24

Mandatory registration and notification of acts

1. Any act which causes changes and/or the benefit of the ownership right, according to the provisions of the Civil Code, shall be registered.
2. The acts of the courts, notaries, judicial enforcement agents and other state bodies, which contain the benefit, the recognition, the change, the dismissal of an ownership right, or which declare as being invalid the legal actions or the other acts on the transfer of the ownership registered earlier, shall be registered.
The bodies shall declare the above-mentioned acts at the national digital cadastre, from the moment when they are formalized, through the access guaranteed by the NCA.
3. Apart from the declaration through electronic means, the above-mentioned bodies shall send to the local directorate of the NCA, hard copies of these acts, within 10 days from the date of their formalization.
4. All the acts provided for in this article shall be subject to the preliminary registration in the cadastre. Every act or subsequent property alteration action, which does not have chronological continuation and which would create an overlapping of the titles, shall be refused by the SCA.
5. The final registration of the acts shall be carried out upon the request of the interested party/party which benefits the rights, after the payment of the service fee. Only after its compensation, the subject shall benefit the ownership certificate and the other cadastral services as the owner of the property or the holder of other real rights.

Article 25

Request for registration and default interest

1. Any person, being a holder of the ownership title or of a real right, which is mandatory for registration, shall, according to the provisions of the Civil Code or of the special law, submit a request for the registration of the title, within 30 days from the date when it enters into force.
2. In case the request for registration is presented beyond the 30-day time limit, the applicant shall, apart from the registration fee, also pay the default interest, equal to 10% of the registration fee, but not more than 300 000 ALL.
3. Exceptionally, for the registration of the properties which are treated by the legislation on the ownership cases, the local directorate shall implement special procedures provided for in this law, the respective legislation and the sublegal acts pursuant to them.

Article 26

Failure to register

1. When the local directorate finds that the notary act, the court decision or the administrative act that determines the ownership transfer or the change of its status is unclear, it shall suspend the procedure and shall notify the applicant. In this case, the applicant is requested to clearly determine the necessary information within a 30-day time limit.
2. The information is considered unclear for registration effect, when there is:
 - a) a lack of identity or incompliance with the identity in the property card;
 - b) a failure to specify the property under accurate borders, surface and geographic position.

3. When the owner does not manage to specify this information, the local directorate of the SCA, upon the order of the director, shall refuse the registration.

Article 27

Establishment of temporary limitations

1. Unless otherwise provided for by special provisions in this law, the head of the local cadastral directorate or the Director General may order the cessation of the actions in every cadastral card, map or zone, only in the following cases:

- a) To prevent a fraud or a wrongful action which aims at transferring the ownership illegally;
- b) When it is required by the structures of control or of the complaints treatment of the Directorate General for the identification of the illegal actions on the properties.

2. The legal/natural, local or foreign persons may be provided with the entrance code and with the right of receiving the extracts of the data, directly from the digital cadastre, guaranteeing technically the impossibility of its manipulation through the electronic system. The right to access and get the extracts is ensured even through the unique governmental multifunctional portal.

3. The legal/natural, local or foreign persons, who are entitled to have access to the electronic system or to the unique governmental multifunctional portal may get electronic ownership extracts/documents directly, after they have received the consent of the subjects, which result to be registered as immovable property owners.

4. The other subjects, who are not entitled to access, according to paragraphs 2 and 3 of this article are entitled to request from the local directorate of cadastre, the respective information, through the electronic or normal mail, after having met the requirements of this law.

5. The General Directorate shall verify periodically, if the action of taking these data by the subjects, is done in compliance with the stipulations of this law and the implemented sublegal acts.

6. The SCA shall ensure direct access to the digital cadastre for the bodies that exercise the prosecution and the law-enforcement agencies. The Council of Ministers shall approve upon a decision the list of the institutions which have access to the digital cadastre and the rules on taking information.

7. The SCA shall ensure the conditions for the creation, registration, administration and the functioning of the digital data of the immovable properties in the internal system of the organization and the interaction with the other state databases.

8. The rules and the procedures for the exercise of the rights by the legal/natural, local or foreign persons, to have access to the electronic system, shall be stipulated upon the decision of the Council of Ministers.

Article 29

Requests and time limits

1. Every cadastral service shall be carried out only after the submission of a request. The request is a template form which is found at the service reception desks or online. The template of the request shall be approved by the General Directorate, according to the type of the service that is requested.

2. The agency shall publish all the types of services carried out by the cadastre, the form of the respective request and the accompanying documentation requested per each service. The publication shall be obvious and accessible for every national.

3. Every request for cadastral service, which is duly submitted, shall be treated within 15 days from the day of the submission, but in any case, not later than 21 calendar days.

4. The Council of Ministers shall approve the rules on the procedure on the requests treatment.

CHAPTER V

INITIAL REGISTRATION

Article 30

Commencement of initial registration

1. The initial registration shall be carried out for a cadastral zone identified by the local directorate.
2. The initial registration shall include the reflection of each state, public and private immovable property of the cadastral zone, in the respective card of the property as well as the cadastral map of the zone.
3. The head of the local directorate, a person or a group assigned by the Director General shall request that the ownership, as well as the limits of each property that should be registered, be documented based on the acts of benefiting the ownership, pursuant to article 193 of the Civil Code.
4. The individuals, the families and the private or state legal persons, who own ownership documents, which do not contain the specified surface in them, shall lodge with the registrars a request for ownership registration, which should be accompanied with:
 - a) The ownership document;
 - b) The cartographic documentation on the property, which is approved by the SCA;
 - c) The notary statement of the adjacent owners, which verify the content of the request for the borders of the property, claimed to be registered;In case the notary statement cannot be provided, or when there are disagreements on the property border, it is specified by the SCA. The interested parties are entitled to judicial appeal against the acts of the SCA, which specifies the border.

The local directorate shall, within 30 days from the date of the submission of the request, reply to the applicant. The applicant may complain at the court against the decision of the local directorate or in the absence of the reply within the time limit. In the judicial process, the court summons all the owners, whose properties are adjacent to each-other, who have a legitimate interest for a trial.
5. When the surface which is possessed and exists effectively in the terrain is smaller than the one specified at the ownership title, the local directorate shall register the ownership only for the plot which results effectively. When, based on the property position, it results that the plot that would belong to the holder is occupied by public properties constructed after the creation of the private ownership title and the subject has not been compensated according to the legislation on the expropriation for the public interest, the SCA shall notify the state body responsible for the expropriation procedure to carry out the respective compensation procedures. In any case, the registration procedure shall not be suspended.
6. For the accurate cartographic properties reflection, the SCA shall exploit the product of air photographing of the Republic of Albania.
7. The ownership practice, with the documentation provided for in this law shall be created for each property identified from the verification in the terrain and located in the new cadastral map.
8. The initial registration procedure shall commence upon the decision of the head of the local office or upon the General Director's decision.
9. The meeting and the data organization, in the function of the initial registration and improvement procedure shall be carried out by:
 - a) The SCA itself through its structures and personnel; or
 - b) Third subjects contacted by the SCA, in compliance with the rules of the legislation "On public procurement"; or
 - c) The local self-governance units based on the agreements adopted by the steering council of the SCA, according to article 8, paragraph 4, letter "e" of this article.

Article 31
Public consultation

1. After the drafting of the preliminary cadastral map as well as the preparation of the immovable property cards, based on the ownership documentation administered by the local directorate, the zone which is the registration subject shall be announced publicly.
2. The public notification shall be made in prominent places for the interested persons of that cadastral zone.
3. The notification shall contain a copy of the map and the names of the property owners, who have been identified up to that moment, by the local directorate. The notification shall specify the mode and the place where the claims of the interested persons are presented.
4. The notification shall be on display for 45 days. Within this period of time, appeals and claims are permitted to be submitted by the interested persons.
5. After the expiration of the 45-day time limit, the local directorate does not accept appeals anymore.

Article 32
Termination of initial registration

1. After the termination of the public consultation period and the treatment of the appeals, the local directorate shall enact, the conducted registration:
 - a) By formalizing the property card of each property as well as by archiving the respective documentation, according to article 13 of this law;
 - b) By formalizing the official cadastral map, according to article 15 of this law;
 - c) By issuing the ownership certificate per each interested owner of the registered zone, who has liquidated the respective registration fees.
2. The local directorate may make only the correction of the errors in the registration process, but it shall not treat appeals for new additions. The appeals shall be submitted with the special structure on the appeals.

Article 33
Treatment of appeals

1. The special structure for the appeals shall review every request or claim,, that has not been reviewed during the initial registration process.
2. Based on the findings, its head shall decide:
 - a) To accept the request and the obligation of the local directorate for the registration of the claim;
 - b) To dismiss the request;
 - c) The obligation of the local directorate to review the request, in harmony with the borders and the claims of the adjacent owners.

Article 34
State property initial registration

During the initial registration of the cadastral zone, the procedures provided for in the legislation for the ownership matters shall be implemented.

CHAPTER VI
REGISTER IMPROVEMENT

Article 35
Registration improvement

1. When inaccuracies of the cadastral map in general or material errors, which impact a high number of properties are identified, the SCA shall, ex officio or upon the request of the interested parties, undertake the initiative for the improvement of the cadastral zone register.
2. The improvement is the process of the specification of the borders, of the surfaces of the immovable properties, the direct reflection in the cadastral map of the geographical position as well as the specification of the property register data.

Article 36
Principles of improvement process

The principles that lead the improvement according to the level of their importance are:

- a) The systematic consolidation of the ownership relations on the immovable property;
- b) The regulation of the configuration and the cartographic position of the ownership titles in compliance with the factual condition;
- c) The compliance with the quantity of the surface stipulated in the private ownership titles, except for the cases provided for in articles 38, letter "b" and 39 of this law;
- d) The reflection at the public register of all the actions carried out with the property as well as their technical-legal documentation;
- e) The mandatory reflection at the register of the properties of every ownership title filed with the SCA. This principle shall not be implemented when two or more private ownership titles are created for the same property or part of property.

Article 37
Levels of register improvements

The improvement shall be implemented in the two following levels:

- a) The specification and the correction of the cadastral map, in relation to the ownership titles and the factual condition of the properties;
- b) Compliance of the data of the ownership title with the factual condition of the property. For this purpose, the local directorate shall correct the material mistakes and the other inaccuracies in the cadastral documentation for the titles created by the state bodies before the entry into force of this law.

Article 38
Rules on the improvement of the "land" type of property

For the properties of the type "land", the incompatibilities of the surfaces shall be treated as follows:

- a) When the surface reflected at the cadastral map is bigger than the surface specified in the title of the property, the local directorate shall require to the head of the ownership to specify the configuration of the property that shall be improved complying with the quantity specified in the document of the title. In case the subject fails to carry it out within 30 days from the notification, then the configuration shall be carried out by the local directorate;
- b) When the surface that is possessed and exists effectively in the terrain is smaller than the one determined in the ownership title, the rules of article 30, paragraph 5 of this law shall be implemented;
- c) The problems of the malposition of the title and its borders shall be solved referring to the condition of the effectively possessed property in the terrain as long as it does not conflicts with the other private ownership titles. The cadastral map or the ownership titles themselves shall be corrected in compliance with this situation.

Article 39
Improvement rules for buildings

1. As long as the property of the type “building” are concerned, the problems of the incompliance of the positioning, configuration, sizes and the quantity of the surface shall be solved by correcting the cadastral map and the register or the ownership title itself, according to the factual condition of the building.
2. Exceptionally, when the surface in the terrain is bigger than the one specified in the title, the local directorate shall verify if constructions without a permit have been carried out in the building and shall treat them according to the respective legislation.

Article 40
Register improvement procedure

The procedural rules provided for in chapter V of this law shall also be implemented for the register improvement procedure.

Article 41
Modes and means of register improvement

The comprehensive rules on the modes and the technical-cartographic means for the realization of register improvement shall be provided for upon the decision of the Council of Ministers.

CHAPTER VII
REGISTRATION OF TITLES AND OTHER ACTS

Article 42
Sale contract registration

1. The sale contract for an immovable property shall be registered in the respective section of the cadastral card, after the verification of the elements of the form and content of the notary act, stipulated upon the decision of the Council of Ministers.
2. The sale of the private immovable property shall be carried out only with a notary act, drafted according to the requests of the Civil Code and of the legislation on the notary.
3. The local directorate shall create all the facilities to the notary during the phase of the drafting of the sale contract. The notary may apply for the receipt of the cadastral information over the property, being the sale subject.
4. The agency shall make public all the requirements that have to be met by the owner or the person interested in registering the sale contract.
5. The preliminary sale contract shall be registered in compliance with the provisions of the Civil Code.

Article 43
Donation contract registration

1. Donation registration contract shall be registered according to the same rules that are provided for in this law for the sale contract registration.
2. The donation contract shall be registered only when:
 - a) It is carried out with a notary act;
 - b) It contains all the elements provided for in this law, as well as the requirements of the legislation on the notary;
 - c) There is a clear expression of the donor’s will on the transfer of the identified property as well as the receiver’s will to accept it (except for the cases when the state is the beneficiary).

3. The local directorate shall register the contract according to the content, including the legal burdens that it may bear in the future.
4. The local directorate shall register the donation contract according to the reference price at the moment of the registration, stipulated in the legislation into force.

Article 44

Registration of the property in co-ownership and after the division

1. When the property is under the name of several co-owners and when the act of the creation of the co-ownership does not stipulate the proportion of the shares, the latter are presumed to be equal.
2. Exceptionally, as long as the properties which are subject to the regime of the co-ownership in general are concerned, according to the Civil Code, the principle on the presumption of the equality of the shares is not valid. With regard to these shares, in compliance with the Civil Code, the proportion of the shares shall be specified only at the moment of the division of the property, upon notary agreements of the co-owners or upon a judicial decision.
3. In any case, the notary act or the decision of the court which divides the shares shall include:
 - a) The names and the identities of the co-owners, according to the way they are ordered in the cadastral card;
 - b) The property data, according to the cadastral map;
 - c) The shares in percentage, in square metres, as well as the physical positioning in the map per each co-owner;
 - d) The new map that is acquired after the agreement on the division;
 - e) Other elements required by the law on the notary.
4. The local directorate shall, after receiving the request for the registration, register the division of the co-ownership and shall make the reflections at the card and at the cadastral map.

Article 45

Registration of the property of the legal community and other cases of benefiting the ownership upon the law

1. In case the property, being the subject of the contract of the ownership transfer, realized in favour of the natural persons, who in the register of the civil registry office have status of being married, is a property gained during the marriage, in compliance with article 76 of the Family Code, the registration at the respective section of the property cards shall be made in co-ownership of the two spouses, as long as they do not try that they are subject to a separate marital property regime.
2. The local directorate shall correct or update the cadastral data for the immovable properties in co-ownership of the two spouses, gained during the marriage before this law enters into force, in case such a thing is requested in writing by the husband who is not registered, verified through the certificate of the family status at the time when the property has been gained.
3. The first and the second paragraph of this article shall also be implemented for the registration of the legalized properties as well as for the registration of the entrepreneurship contract, the order and the promise for sale when the latter aim at the transfer of the ownership of the object under construction, in the future.
4. When the special law provides for the automatic benefit or dismissal of the property rights upon the verification of the legal facts, or of the conditions, which do not depend on the expressed will of the beneficiary, the local directorate is compelled to carry out the respective notes in the property card, after the administration of the documentation which proves the realization of the fact or of the stipulated condition.

Article 46

Registration of the acquired property with an acquisition prescription

1. The registration of acquiring the ownership over an immovable property, with the acquisition prescription, shall be made after the submission with the local office of cadastre of the final court decision.
2. The court decision, which verifies the legal fact of the ownership adopted after 1.1.1994, shall not be registered.
3. The judicial decision shall contain official data from the cadastral card and map of the respective zone, regarding the identifying elements of the property and owners.
4. The registration of the ownership acquaintance shall, according to this article, be carried out by the local directorate after the realization of the registration conditions, stipulated at articles 170 and 193 of the Civil Code.
5. When the above-mentioned conditions are not met, the General Directorate shall, upon a reasoned decision, decide the refusal of the request for registration.
6. An appeal against the decision for the refusal of the registration may be made in judicial ways.

Article 47

Registration of property transfer upon a court decision or administrative act

1. The registration of the ownership acquisition over an immovable property based on the final judicial decision on the transfer of the ownership right or of the act of an administrative body, shall be made by the local directorate, after the submission of these acts, according to the procedure provided for in articles 24 and 25 of this law, and after the registration conditions, provided for in article 193 of the Civil Code are met.
2. In case the above-mentioned conditions are not met, the General Directorate shall decide to refuse the request for registration.
3. An appeal may be filed in judicial ways, against the decision for the refusal of the registration.

Article 48

Construction permit registration

1. Within 20 days from the day of the issuance of the construction permit, the municipality, which has issued it, files the permit with the local cadastral office. The filing shall be made upon the official letter, which serves as a request.
2. The construction permit shall include:
 - a) The official and original template of the permit signed by the mayor;
 - b) The engineering project, accompanied with the location plan of the object, the blueprint of each floor with the respective individual units (apartments or service units) and other elements that show the height of the object and the place of the infrastructure;
 - c) The name and the accurate data of the investor;
 - d) Other data.
3. The permit together with the accompanying practice shall be registered in a special register that is kept and administered by the local cadastre office. The template and the rules of maintaining this register shall be stipulated upon an instruction of the Council of Ministers.
4. During the permit registration process, the cadastral office shall ensure to compare the data of the permit maps with the official cadastral maps. During this verification, the cadastral office shall also verify the notary acts, which have established a burden on the land.
5. In compliance with article 534 of the Civil Code, the mortgages and the other burdens on the land shall be born in the next construction or on its parts that have been promised to the owner of the land, according to the agreement with the investing subject.
6. When the construction is a public work and without private owners, the local directorate shall carry out the registration of the construction permit, rendering even a legal burden on the public land.

7. The same rules shall be implemented even for the permits which are approved by the National Territory Council.

Article 49

Carcass registration

1. Each construction, whose permit has been registered preliminarily at the local directorate, shall be updated in each phase of its construction until the full completion of the carcass.

2. The local directorate shall register each phase of the carcass construction, until the completion of the construction. The construction phases shall be officially confirmed by the municipality or the public authority that follows the implementation of the works. The confirmation of the works that have been carried out shall be issued in writing.

3. The carcass registration shall be made in a special register, which is called "Carcass Register". Each registration shall start by referring to the extremities of the construction permit, issued for this purpose.

Article 50

Registration of the contracts of entrepreneurship/order or the sale premise]

1. Each entrepreneurship contract, sale order or promise of the investor with the owner of the plot of land or with the third parties, which aims at the transfer of the ownership of the object under construction in the future, shall be registered at the register of construction permit and then, at the carcass register. This registration makes the respective unit of the object "occupied" and which cannot be promised to somebody else.

2. In all the above-mentioned contracts, the construction unit shall be individualized (apartment or a service unit) according to the layouts that are attached to the construction permit. Otherwise, their registration shall be refused.

3. The owners of the plot of land cannot reduce the rights on their future parts in construction (promised by the investor), to the third parties, in case the plot of land bears a mortgage right, according to the provisions of article 48, paragraph 5, of this law. The legal-civil actions that contradict this paragraph and with the provisions of the Civil Code shall not be registered.

4. The investor, who at the same time is also the owner of the plot of land, which has previously been included in an mortgage, cannot promise to the third parties construction units, without the approval in writing of the mortgage creditor. On the contrary, in case the plot of land did not previously bear a mortgage, the investor may access to the mortgage – to guarantee the debt – only those construction units for which he has not concluded order/entrepreneurship/sale promise contracts with the third parties. The legal-civil actions which do not contradict this point and the provisions of the Civil Code cannot be registered.

5. In any case, the mandatory execution on the carcass for the liquidation of the investor's debts lies only on the properties that have not been promised to the third parties according to the respective order contracts. An exception is the case when the debt has been guaranteed by a mortgage right on the property, which was established earlier than the order contracts concluded with the third parties.

6. After the registration of the contracts, the local directorate shall issue registration certifications in favour of the contractual parties. The registration certification shall try the registration of the unit/object according to the contractual provisions.

7. The Council of Ministers shall stipulate more detailed rules for the implementation of this procedure.

Article 51

Final registration of new constructions

1. After the completion of the constructions, the certificate of the use of the object, which is issued according to the law by the municipality or the authority that has issued the

construction permit, shall be sent officially to the cadastral directorate, according to the same procedure through which the construction permit was filed.

2. Upon the receipt of the certificate of use, the local directorate shall register, at the ownership register, the finalized construction and then, shall open the cadastral cards for each owner, with which the constructor concludes the sale contract, according to the requirements of this law.

3. The sale contract shall have the same references with the preliminary contracts. In cases of changes, the local cadastre directorate shall interrupt the registration and shall require additional data. When, even after this step, the sale contract is different from the intermediary acts, the directorate shall require a notary statement issued by the persons who are not beneficiaries anymore. Every sale contract, whose buyers are different persons from the ones that were the beneficiaries in the intermediary acts of the order or entrepreneurship, shall also include the person that has left as a party interested in the new sale contract.

4. A note on the participation quota in the mandatory co-ownership shall be made in the property field of each individual unit.

Article 52

Registration of common premises in the buildings

1. The surfaces that cover the individual units and the common surfaces shall be specified at the cadastral cards, where the new object has been registered in general.

2. The common surfaces shall be registered in general, with separate quotas per each owner of the individual unit. The registration with shares in favour of the owners of the common surface shall be prohibited.

3. Unless otherwise provided for in the ownership title, the following shall be considered common surfaces:

- a) The stairs and the landings between them;
- b) The plot of land where the building is located;
- c) The terraces/roofs, the supporting walls, the columns, the foundations, the passages;
- d) The technical wells and the places where the construction infrastructure is established, the basements, the wells, the parking lots, the elevators, the water banks, the boiler as well as the common infrastructure;
- e) The common sites;
- f) Any other element of the construction object that is attached to the construction permit.

Article 53

Registration of the other titles which originates from the legislation on the ownership matters

1. The registration of the legalized properties shall be made in compliance with the content of the legalization documentation.

2. The legalized construction on the plot of land in the ownership of the third parties, without a relation with the plot of land, until the adoption of the decision of the Council of Ministers for the compensation of the non-possessing owners, according to the procedure provided for in the legislation for the ownership cases. Upon the adoption of this decision, the construction parcel shall be registered in favour of the beneficiary of the legalized property.

3. In any case, until the beneficiary of the legalized construction has liquidated the financial obligation for the construction parcel, on the legalized property, the legal mortgage shall be registered.

4. The registration of the titles which originate from the acts of the local governance bodies, issued before the entry into force of this law, shall be carried out in compliance with the rules stipulated upon a decision of the Council of Ministers.

Article 54

Registration of the waiver from the ownership rights

The legal action of waiving from the ownership right shall be registered at the public register of the immovable properties, in compliance with the provisions of the Civil Code.

Article 55

Registration of servitudes and their dismissal

1. The owner of an immovable property shall register a servitude, presenting to the local directorate the acts on the servitude creation in the form required by the law, which shall contain:
 - a) The nature of the servitude, the period for which this servitude is effective, as well as any condition or limitation which has an impact on it;
 - b) The immovable property or its part that is impacted by this servitude.
2. The document, through which the servitude is implemented, shall be administered by the local directorate. It contains a survey plan, which is necessary to determine the location and the expansion of the servitude. The servitude shall be registered in the respective section of the cadastral card.
3. The change or the dismissal of the previous registration shall be made upon the request of the person, for whom the servitude has been registered.

Article 56

Mortgage registration and deletion

1. In any ownership card, as well as in the register of the ownership titles, the local directorate shall register the mortgage as a burden per each owner when:
 - a) It is requested by the interested person with a notary act, which stipulates clearly the property or its part that shall be used as a mortgage;
 - b) It is decided through an administrative act, authorized by the law;
 - c) It is decided by the court;
 - d) It is provided for by the law.
2. The mortgage may be established for all or for a part of the property, according to the stipulations of the act where it is positioned.
3. The mortgage shall be dismissed and deleted from the register according to the cases provided for in the Civil Code.
4. During the duration of the mortgage, no contract shall be registered for the transfer of the ownership to the third parties.

Article 57

Registration of the rent and emphyteosis contract

1. Any rent contract drafted upon a notary act for an immovable property, with a duration of more than 9 years, shall be registered in the respective section of the property card. The rent contract, drafted upon a notary act for a immovable property, with a duration of more than one year, may be registered in the immovable property register.
2. When a rent contract is for a part of an immovable property, then the existing card of the immovable property shall be closed and new cards are opened for the part/parts that is/are rented and for the part/parts of the immovable property that remains/remain, and the respective notes are made at the cadastral map, according to the stipulations in article 15 of this law.
3. The emphyteosis contract shall be registered at the immovable property public register, according to the stipulations of the provisions of the Civil Code.

Article 58

Registration of the preemption right

1. The local directorate shall register of each direct interested person, according to the Civil Code or the special law, to guarantee the preemption right of an immovable property.
2. The applicant shall try the legitimate interest regarding the property proving that he is under the conditions of benefiting from the preemption right. The request contains the fact through which the preemption right is recognized, and it is accompanied with the documentation that tries the legitimate interest.
3. In this case, the local directorate shall, after the registration of the preemption right, issue a certification for registration.

Article 59

Registration of the titles under use

1. Anybody who uses a state or public property, issued according to the laws into force, shall register this property at the local directorate as a property under use.
2. The local directorate shall register the property given to be used, making the note at the property card. The registration shall be made with a request, which is accompanied with the act of being taken to be used by the state institution which administers the property.

Article 60

Power of attorney registration

1. The power of attorney shall be registered at the property card of the owner who has issued it, when such a thing is required by him or the representative.
2. The power of attorney shall be registered only when it is a notary act, for the property of private persons, meanwhile for the public legal persons, the authorization issued by the official shall also be registered.
3. In any case, the power of attorney shall keep accurate references on the actions that are permitted to be carried out on the property by the representative, accurate references on the property and on other data contained in the property cards or certificates.

Article 61

Registration of the acts carried out in other states

The acts created outside the territory of the Republic of Albania, which are intended to be registered in the cadastre by the owner or the interested person, shall be translated and certified according to the international agreements and the special legislation.

Article 62

Registration of trees and natural properties

1. Each tree in the state or private land shall be registered at the cadastral office of the place where they are located. Their owner shall appear with a map and with a comprehensive inventory of the trees that are found in his property. The role of the owner for the trees in public parks and forests shall be carried out by the state authority according to the respective legislation.
2. After the submission of the map, of the tree inventory and a request, the local directorate shall, after a payment is made, provide the owner with the necessary amount of the matriculates, he is compelled to put on each tree.
3. The Council of Ministers shall stipulate detailed rules for this process as well as for the reflection in the cadastral maps of the natural properties, such as mountains, rivers, lakes, basins, mines, oil wells or any other natural property.

CHAPTER VII

FEEES, MISDEMEANOR AND APPEAL

Article 63

Cadastral service fees

1. Each cadastral service which is offered, except for the special cases, provided for in this law, shall be charged.
2. The list of the cadastral services and the fees per each service shall be determined upon a decision of the Council of Ministers.
3. For each service excluded from the fee, the Council of Ministers shall decide for the compensation of the fee from the state budget funds.

Article 64

Misdemeanors

1. The following violations shall be considered administrative misdemeanors:
 - a) All the violations of the provisions of this law, which do not constitute a criminal offence;
 - b) The delays in replying to the requests;
 - c) Expiration of the registration deadlines;
 - d) Loss of documentation;
 - e) The unauthorized intervention in the registers of cadastre, including the electronic ones, when there are no consequences.
2. For these violations, the head of the agency and the structure responsible for the appeal shall render the sentence with a fine from 5 000 up to 500 000 ALL. The measure of the fine shall be determined according to the violation that has been committed as well as the consequence that it has caused for the beneficiary of the service.
3. The employee is entitled to appeal against the decision of the sentence with a fine, at the administrative court, within 5 days.

Article 65

Appeals against the agency

1. Administratively, an appeal shall be submitted with the structure responsible for the appeals, against the cadastral acts or omissions, according to the stipulations of the Administrative Procedure Code.
2. After the review of the appeal, according to the provisions of the Administrative Procedure Code, the applicant is entitled for a judicial appeal within 45 days from the notification of the decision-making on the appeal or from the date of the termination of the legal time limit, in the case of the omission of the SCA.

Article 66

Mandatory participation of the SCA in the judicial processes

1. During the judicial review of civil disagreements which are related to the borders, or the plots of land of the immovable properties, the participation of the State Cadastre Agency is requested in any case as a third person, according to the rules provided for in the Civil Procedure Code.
2. During the review of civil disagreements, according to paragraph 1 of this article, when for the needs of the adjudication, the cadastral documentation is necessary, the Court may order the respective local directorate to draft them according to the provisions in this law.

CHAPTER IX

FINAL AND TRANSITORY PROVISIONS

Article 67

Establishment of the State Cadastre Agency

1. The State Cadastre Agency shall be established as a jointure of the AITPP, ALUIZNI and IPRO.
2. The State Cadastre Agency shall be established no later than 1 month after this law enters into force.
3. After the establishment of the State Cadastre Agency, all the duties and the responsibilities of the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions and of the Agency of Stocktaking and Transfer of Public Properties shall be charged to the SCA.

Article 68

Interinstitutional cooperation

1. The SCA shall coordinate the activity with the State Advocature, the State Authority for Geospatial Information (ASIG), the State Archive, the Central Technical Construction Archive, the local self-governance bodies and any other institution or structure, whose activity is related to the matters of ownership.
2. Any state institution or other entity, whose activity is related or bears responsibility in the realization of the processes, according to this law or laws and other approved sublegal acts, is compelled to cooperate and to provide all the appropriate information to the SCA, free of charge.

Article 69

Transitory provision

1. The archive, the work means, the material basis, the electronic and digital systems of the institutions involved in the restructuring, shall be transferred under administration responsibility to the State Cadastre Agency.
2. The budget funds planned for ALUIZNI and AITPP and the funds of teh IPRO shall, after the entry into force of this law, be used by the State Cadastre Agency. For 2019, the incomes created by the legalization processes of the illegal constructions and the regulation of the ownership in the simulated areas shall be transferred to the state budget. An exception is made for the incomes that are transferred to the financial fund of property compensation, according to the stipulations of the legislation "on the property treatment and the completion of the property compensation process" as well as the incomes that will be used by the SCA.
3. According to the time limit provided for in paragraph 2, article 67 of this law, the following procedures shall be implemented for the appointment of the first steering bodies and the commencement of the functioning of the Agency:
 - a) The institutions stipulated in article 8 paragraph 1 of this law shall sent to the Secretary General of the Council of Ministers, the names of their representatives at the Steering Council of the SCA, not later than seven days from the entry into force of this law;
 - b) Within 15 days from the entry into force of this law, the first meeting of the Steering Council of the SCA shall be convened, where the structure and the organizational chart of the Agency are proposed to be adopted, as well as the level of the salaries of the employees of the Agency, in compliance with the provisions of article 8, paragraph 4, letters "f" and "i" of this law.
4. All the employees of the Immovable Property Registration Office, the Agency of Legalization, Urbanization and Integration of Informal Objects/Constructions shall be considered employees of the State Cadastre Agency for a transitory period of 6 months from

the entry into force of this law, unless they are impacted by the restructuring and meet the qualification criteria, according to the regulations approved by the steering council of the SCA.

5. Until the establishment of the State Agency of Cadastre, the Immovable Property Registration Office, the Agency of Stocktaking and Transfer of Public Properties and Agency of Legalization, Urbanization and Integration of Informal Objects/Constructions shall continue to duly carry out services according to the laws which are still in force.

6. The practices under the process, submitted for registration at the Immovable Property Registration Office shall, before the entry into force of this law, be treated according to the provisions of this law.

Article 70

Exemptions and dismissal of delay interests in the registration

1. All the subjects that enjoy an ownership title or any other real right, gained in compliance with the law and registered at the public registers, according to article 193, of the Civil Code, who have not applied for registration at the immovable property registration office within the legal time limit, shall be reinstated for application 30 days, starting from the date when this law enters into force..

2. All the delay interests which are generated from the system of the immovable property registration, until the entry into force of this law, due to the failure to apply in time for the registration of the documentation, according to article 39 of law no. 33/2012, "On the registration of the immovable properties", as amended, shall be dismissed. The subjects, who apply within the time limit provided to in paragraph 1 of this article, shall pay only the current fee for the registration of the act.

Article 71

Sublegal acts

1. Apart from the what is expressly provided for in the other provisions of this law, the Council of Ministers shall stipulate:

a) The comprehensive procedures for the ownership title registration, which do not specify the surface, according to paragraph 4 of article 30;

b) The formal elements of the notary acts, the judicial decisions or the administrative acts which are controlled for the effects or registration according to this law.

c) The Council of Ministers shall approve the sublegal acts within 12 months from the entry into force of this law.

Article 72

Repeals

1. Law no. 33/2012, dated 21.3.2012, "On the immovable property registration", as amended, as well as any other provision in any other laws, which contradict this law, shall be repealed upon the entry into force of this law.

2. The sublegal acts issued pursuant to the law "On the immovable property registration" shall remain into force and shall be applied for as long as they do not contradict the provisions of this law, until the issuance of the new sublegal acts.

3. Until the approval of the templates of the new cadastral acts, the SCA shall continue to use the templates of the acts adopted before the entry into force of this law.

Article 73

Entry into force

This law enters into force 15 days after the publication at the Official Journal.

CHAIRPERSON

Gramoz RUÇI

Approved on 7th February 2019.