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**LAW
No. 33/2012**

ON IMMOVABLE PROPERTY REGISTRATION

Pursuant to Articles 78 and 83 paragraph 1 of the Constitution, on proposal by the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA
DECIDED:**

**CHAPTER I
GENERAL PROVISIONS**

Article 1
Purpose

The present Law aims to establish rules for the organisation and functioning of the Immovable Property Registration Office, conditions and procedures for the registration of immovable properties, and administration of the public register of those properties.

Article 2
Definitions

Under present Law, the terms hereunder shall have the following meaning:

1. "Regulatory Authority", the definition of this term shall be the same as the definition made in the applicable legislation that regulates the activity for the creation and administration of the state data base in force in the Republic of Albania.
2. "Data base", the definition of this term shall be the same as the definition made in the applicable legislation that regulates the activity for the creation and administration of the state data base in force in the Republic of Albania.
3. "Registration document" shall mean any public act, court decision or decision of another competent state body, issued in cases provided for by law, and whose registration is mandatory under the provisions of the present Law.

4. "Extract of the register" shall mean a document issued in an electronic form by the persons referred to in Article 7 paragraph 3 of the present Law, in accordance with the immovable property register records.
5. "Cadastral map" shall be the map which delineates the boundaries and geographical position, in accordance with official rules and standards on immovable properties, and other indicators.
6. "*Kartela*" shall be the page of the register records kept for each immovable property.
7. "Access codes" shall be the codes assigned by the Immovable Property Registration Office to authorised persons under the provisions set out in Articles 7 and 69 of the present Law, allowing them to perform acts related to data entry, processing, storage, retrieval, distribution or verification.
8. "Limitation" shall be an order issued by a registrar restricting transactions with and/or actions on a particular immovable property.
9. "Restricting agreement" shall be an act which imposes restrictions on the powers and rights of the owner of a particular immovable property.
10. "Immovable property" shall mean the land, water resources, buildings, facilities and any other immovable items, as defined in the Civil Code.
11. "Survey plan" shall be a document that shows the cartographic presentation of a delimited land surface, in accordance with the official cadastral mapping rules and standards.
12. "Authorised person" shall be an Immovable Property Registration Office employee, authorised to give orders related to data processing by the subjects referred to in Article 7 of the present Law.
13. "Automatic data processing" shall mean any operation which is performed automatically after the persons designated by present Law have entered the data in the electronic register in accordance with the principles, standards and rules set out in the Albanian legislation on personal data protection.
14. "Register" shall be the set of all *kartelas* (cards) and cadastral maps created in hard copy and/or electronic form.
15. "Surveying" shall be an action that results in the delimitation of the boundaries of an immovable property.
16. "Primary data", the definition of this term shall be the same as the definition made in the applicable legislation that governs the activity for the creation and administration of the state data base in force in the Republic of Albania.
17. "Secondary Data", the definition of this term shall be the same as the definition made in the applicable legislation that governs the activity for the creation and administration of the state data base in force in the Republic of Albania.
18. "Immovable property registration zone" shall be the subdivision or geographic area designated by the Management Board for purposes of immovable property registration in accordance with the present or any other laws.
19. "Cadastral zone" shall be a subdivision of a registration zone, without territorial separation, for purposes of immovable property registration under the present Law.
20. "Immovable Property Registration Office" shall be the central and local immovable property registration office, operating subject to the provisions of the present Law.

Article 3

Scope of the Law

The provisions of the present Law shall be applicable to the registration of all immovable properties that lie within the territory of the Republic of Albania, based on acts of ownership acquisition or creation of real rights over them, according to the applications submitted by legal/natural, domestic or foreign persons.

Article 4

Principles

The activity of the Immovable Property Registration Office shall be based on the principle of legal security, transparency, legality, priority in registration and standardization of the immovable property register, by linking the title of immovable property ownership with its geographical position.

CHAPTER II

CREATION OF THE REGISTRATION SYSTEM AND ADMINISTRATION

Article 5

Property Registration System

1. An immovable property registration system shall be established for purposes of registration of property titles and other real rights over immovable properties, according to legal documents that certify an immovable property ownership, and preparation, maintenance and administration of immovable property registers, cadastral maps and documentation that certify the right of ownership and other real rights over immovable property.
2. The immovable property registration system shall be managed by the Immovable Property Registration Office.

Article 6

Division in Zones

1. For purposes of immovable property registration, according to present Law or legislation in force, the territory of the Republic of Albania shall be divided into registration zones, which are defined by the Management Board, on proposal by the Chief Registrar.
2. Each registration zone may be divided into several cadastral zones, without territorial separation, with well-defined borders, which shall include a definite number of immovable properties. Division in cadastral zones shall be effected by decision of the Chief Registrar.
3. The Management Board shall approve the criteria for the division of cadastral zones.

Article 7

Immovable Property Register

1. Immovable property registration offices shall establish an immovable property register, in hard copy and/or electronic form, which shall contain the state data base and be administered by the Immovable Property Registration Office.
2. The Council of Ministers shall, by decision, define:
 - a) the primary and secondary data;
 - b) information provider(s);
 - c) interaction with other data bases;
 - ç) level of access by interested subjects.
3. Data entry and storage, performance of logical operations on those data, protection from alterations, retrieval and distribution of those data shall be effected through access codes.
4. Access codes shall be administered only by the Chief Registrar, persons authorised by him and persons designated by decision of the Council of Ministers.

All the actions specified in paragraph 3 of the present Article shall be performed through security levels, as determined by an entity so licensed.
5. Internal organisation and functioning of the state data base related to immovable properties shall comply with the standards, rules and procedures set forth in the applicable laws and regulation adopted by the Management Board.

The regulation must lay down rules on the manner of data processing in the data base, and level of access by the persons specified in the present Law.
6. The coordinating regulatory authority shall lay down binding rules and procedures on safety levels in the immovable property state data base.

Article 8

Unlawful Interventions

When the data base authorised employees or users defined in Article 7 of the present Law detect unlawful interventions in the immovable property register, they shall immediately inform the Chief Registrar and/or competent government authorities.

CHAPTER III

ORGANISATION AND FUNCTIONING OF THE IMMOVABLE PROPERTY REGISTRATION OFFICE

Article 9

Immovable Property Registration Office

The Immovable Property Registration Office shall be a legal, public, non-budget person under the Minister of Justice.

Article 10

Organisation of the Immovable Property Registration Office

1. The Immovable Property Registration Office shall comprise a central office and local immovable property registration offices.
2. Its organisational structure and chart shall be approved by the Prime Minister on proposal by the Minister of Justice.
3. The salary levels of the Immovable Property Registration Office shall be defined by decision of the Council of Ministers.
4. Labour relations for Immovable Property Registration Office employees shall be regulated in accordance with the Labour Code provisions and other by-laws issued pursuant thereto.

Article 11

Governing Bodies of the Immovable Property Registration Office

The Immovable Property Registration Office shall have the following governing bodies:

- a) Management Board;
- b) Chief Registrar

Article 12

Composition of the Management Board

1. The Management Board shall be composed of 5 members:
 - a) two members, assigned by the Prime Minister,
 - b) two members, assigned by the Minister of Justice,
 - c) one member, assigned by the Minister of Finance.
2. The Head of the Management Board shall be appointed by decision of the Council of Ministers, from one of the members assigned by the Prime Minister, on proposal of the Minister of Justice.
3. The procedures and criteria for the appointment and remuneration of Management Board members shall be defined by decision of the Council of Ministers.

Article 13

Powers of the Minister of Justice

The Minister of Justice shall, pursuant to present Law, exercise the following powers:

- a) propose immovable property registration policies;
- b) propose to the Council of Ministers the annual draft-budget of the Immovable Property Registration Office;
- c) decide, by joint decision with the Minister of Finance, fees for the Immovable Property Registration Office services and operations;

- c) propose to the Council of Ministers the Head of the Management Board of the Immovable Property Registration Office;
- d) appoint two Management Board members, representatives of the Ministry of Justice;
- dh) propose to the Prime Minister the appointment and removal of the Chief Registrar;
- e) appoint the registrars of the local immovable property registration offices.

Article 14

Powers of the Management Board

The Management Board shall have the following powers:

- a) adopt the Immovable Property Registration Office mid-term budget program and annual program of the activity for the next financial year, and propose it to the Minister of Justice;
- b) propose for approval to the Minister of Justice and Minister of Finance the Immovable Property Registration Office service fees;
- c) control the general directions of the Immovable Property Registration Office financial activity;
- c) approve the annual report and audit report of the Immovable Property Registration Office;
- d) discuss, as a rule, every 3 months, reports on the Immovable Property Registration Office financial activity;
- dh) submit to the Minister of Justice reports on the activity of the Immovable Property Registration Office;
- e) adopt rules of internal organisation and functioning of the immovable property state data base;
- ë) adopt the division of registration zones in the territory of the Republic of Albania;
- f) approve the signing of agreements with natural, legal, public or private persons, non-profit organisations, for purposes of enhancing or improving the service provided by the Immovable Property Registration Office;
- g) propose to the Minister of Justice the structure, organisational chart, salary and remuneration levels of Immovable Property Registration Office employees;
- gj) adopt the criteria for the recruitment of Immovable Property Registration Office staff and their job descriptions;
- h) adopt the criteria for the professional skills testing of registrars and personnel, as well as the procedures of their certification;
- i) adopt the amount of the annual reserve fund, which serves as a guarantee to cover the damages arising pursuant to the provisions of the present Law;
- j) adopt the internal regulation for the functioning of the Immovable Property Registration Office;
- k) adopt rules for the administration, maintenance, updating and renewal of kartelas and cadastral maps;
- l) approve the mid- and long-term policy directions related to matters of updating information in the electronic system and data base.

Article 15

Chief Registrar

1. The Chief Registrar shall be appointed and removed by the Prime Minister, on proposal by the Minister of Justice.
2. The person may be appointed Chief Registrar provided he/she fulfils the following conditions:
 - a) is an Albanian national;
 - b) has completed higher education in law, economics, engineering or public management;
 - c) has a working experience of no less than 7 years in public administration;
 - ç) has not been criminally convicted.
3. The Chief Registrar shall exercise his/her duties in compliance with his/her powers defined in the present Law or those assigned by the Management Board in performance of his/her duties.
4. The Immovable Property Registration Office activity shall be led by the Chief Registrar and, in his/her absence, by one of the two Deputy Chief Registrars. The Deputy Chief Registrar shall be appointed and removed by the Minister of Justice on proposal by the Chief Registrar.

Article 16

Removal of Chief Registrar from Office

The Chief Registrar shall be removed from office when he/she:

- a) performs acts contrary to the provisions of the present Law and applicable legislation;
- b) fails to fulfil the goals defined in the programs adopted by the Management Board;
- c) the Immovable Property Registration Office, according to the approved annual budget, has not been able to cope with the spending levels of daily activities for 3 successive years;
- ç) is punished by a final court decision for having committed a criminal offense;
- d) becomes physically or mentally incapacitated to perform his duties;
- dh) carries out activities that create a conflict of interest;
- e) is absent from duty without justification.

Article 17

Chief Registrar's Duties

The Chief Registrar shall perform the following duties:

- a) direct and organise the Immovable Property Registration Office activities for the fulfilment of the functions and duties in accordance with the provisions of the applicable law;
- b) prepare the Immovable Property Registration Office mid-term budget program and annual activity program for the next financial year;
- c) develop programs for the first registration, development, improvement and enhancement of the quality of services by the immovable property registration offices, designed to promote investment in the sector of immovable property registration;
- ç) adopt division into cadastral zones;

- d) propose to the Board changes in the fees of services provided by the immovable property registration offices, for purposes of covering the costs of the Immoveable Property Registration Office services and its efficient management;
- dh) exercise control over the activity of the local immovable property registration offices pursuant to the legislation in force;
- e) adopt human resource training plans in the sector of immovable property registration;
- ë) co-ordinate work with state institutions in order to exchange the necessary information about the rights registered in immovable property registers, and fulfil his/her duties in accordance with the provisions set out in the legislation in force;
- f) draft and submit to the Management Board the annual financial report and annual report on the activities of the institution;
- g) draft and submit, at the request of the Management Board, periodic reports on the Immoveable Property Registration Office financial activity;
- gj) propose to the Management Board the structure, organisational chart, and level of salaries of the Immoveable Property Registration Office employees;
- h) appoint the Immoveable Property Registration Office personnel;
- i) propose the criteria and procedures for the certification of professional skills of the registrars and professional skills testing of employees of the Immoveable Property Registration Office;
- j) represent the Immoveable Property Registration Office in dealings with third parties;
- k) perform all tasks necessary to ensure the proper functioning of the Immoveable Property Registration Office;
- l) design and propose for adoption by the Management Board of short-, mid- and long-term policies on issues related to updating the information contained in the electronic system and data base.

Article 18

Central Immoveable Property Registration Office

1. The Chief Registrar shall be supported in his work by one or more deputy chief registrars and Central Office administration.
2. A person may be appointed deputy chief registrar provided he/she meets the following conditions:
 - a) is an Albanian national;
 - b) has completed higher education in law, economics, engineering or public management;
 - c) has a working experience of no less than 5 years in public administration;
 - ç) has not been criminally convicted.

Article 19

Local Immoveable Property Registration Office

1. A local Immoveable Property Registration Office shall conduct its activities in the territory of the immovable property registration zone.

2. A local Immovable Property Registration Office shall be organised and managed by the Registrar, who is appointed and removed by the Minister of Justice, on proposal by the Chief Registrar.

3. A person may be appointed registrar provide he/she meets the following criteria:

- a) is an Albanian national;
- b) has completed higher education in law, economics, engineering or public management;
- c) has a working experience of no less than 5 years in public administration;
- ç) has not been criminally convicted.

4. A registrar must have completed specialization in the field of immovable property appraisal in accordance with the applicable legislation.

5. A local Immovable Property Registration Office shall administer:

- a) immovable property registers;
- b) cadastral maps of the immovable property registration zone;
- c) judicial decisions, administrative acts, contracts, other acts and documents, drawn up in accordance with law, that affect the legal immovable property regime or real rights over them, which, under the law, must be registered in the immovable property registers;
- ç) survey plans, indexes of registrations in the immovable property registers and other registers, created or administered during the activity of the local immovable property offices;
- d) recorded and electronic information.

Article 20

Powers of Registrar

A registrar shall have the following powers:

- a) direct and organise the Immovable Property Registration Office activity for the fulfilment of its functions and duties in accordance with the provisions of applicable law;
- b) be responsible and report to the Chief Registrar and the Management Board on the local office activity;
- c) issue to an interested person who has the right to request, the certificate of ownership, lease or other interests entered in the immovable property *kartela*;
- ç) require in writing or through an official letter that the interested person submit, within a period of no longer than 30 days, ownership documents, certificates, or any other documents or survey plan related to the immovable property, lease contract or mortgage in question. In case that person fails to submit the required documentation within the above-mentioned deadline, the application for registration shall be refused;
- d) summon an interested person to appear before him/her or before another person authorised by him/her, in order to give information or explanation about the immovable property, lease contract or mortgage;
- dh) propose to the Chief Registrar refusal of registration when the conditions specified in the present Law have not been met;
- e) administer and verify the data listed under "c", " ç ", "d" and "dh" of the present Article;
- ë) require that the person who presents improper information reimburse the costs incurred by the registration office in the process of verifying the improper information;

Article 21

Funding the Immovable Property Registration Office

The activity of the Immovable Property Registration Office shall be funded by:

- a) income from service fees;
- b) income derived under Article 39 of the present Law, or payments made pursuant to the provisions of the applicable legislation;
- c) donations;
- ç) state budget, pursuant to Council of Ministers' policies;
- d) loans received pursuant to financing agreements with banking and/or financial institutions, as provided for by the legislation in force.

Article 22

Budget and Financial Accounts of the Immovable Property Registration Office

1. The Immovable Property Registration Office budget and financial activity shall be subject to the relevant legislation in force in the Republic of Albania.
2. The Immovable Property Registration Office shall create an annual reserve fund, to the amount defined by the Management Board, which shall serve as a guarantee to cover any arising damages, as defined in Article 67 of the present Law.
3. A portion of the income which has not been spent by the end of the fiscal year, shall be transferred to budget for the next fiscal year, and reserve fund. The limits and criteria for the use of that fund shall be defined by the Council of Ministers. The rest of unspent income shall be deposited to the state budget.

Article 23

Legal Responsibility of Immovable Property Registration Office Employees

The Chief Registrar, registrars and every other employee of the Immovable Property Registration Office shall bear legal responsibility for their actions and documents issued by them. They shall not bear legal responsibility for documents or acts of third parties, where their actions or omissions have been in exercise of their functions.

CHAPTER IV

FIRST REGISTRATION

Article 24

First registration

First registration of every immovable property shall include its reflection on the cadastral map and preparation of a *kartela*, in accordance with the provisions of the present Law and

provisions of any acts that establish ownership or other existing real rights over the immovable property.

Article 25

Manner of First registration

A registrar, a person or group of persons tasked by the Chief Registrar shall require that ownership and boundaries of a property to be registered, be documented subject to the following criteria:

- a) the immovable property ownership and boundaries shall be established on the basis of the acts of ownership acquisition pursuant to Article 193 of the Civil Code;
- b) individuals, families and legal, private or public persons who possess ownership documents under letter "a" of the present Article, which do not indicate the size, must submit to the registrar an ownership registration application, which must be accompanied by the following:
 - i) ownership document;
 - ii) a property survey plan, prepared by a subject licensed in topographical work, at the request of the interested party or Immovable Property Registration Office;
 - iii) A declaration of bordering owners, certified by a notary public, confirming the contents of the application on the boundaries of the property subject of registration.

The registrar shall, within 30 days of the date of submission of application, reply to the applicant, after advance payment has been made of costs due by the applicant. The applicant may, against the decision of the Registrar or the latter's failure to respond within the prescribed period of time, appeal to the court. The court shall summon to the proceedings all owners whose properties border each other, and who have a legitimate interest in the proceedings.

The Council of Ministers shall issue a decision regulating the procedures pursuant to the present paragraph.

c) for purposes of acquisition of ownership of an area, where the ownership document contains the note "yard in use", the applicant must go to the authorities in charge of property restitution and compensation. The procedures for the acquisition of ownership of that area shall be defined by decision of the Council of Ministers;

ç) in respect of immovable properties built until 10.8.1991, and their functional land, where the applicant does not possess a document of ownership acquisition pursuant to letter "a" of the present Article, the applicant shall go to the institution authorised by the Council of Ministers. The procedures for the acquisition of ownership of that area shall be defined by decision of the Council of Ministers.

Article 26

Public Notice

Information on the registration performed under Article 25 of the present Law must be posted and displayed for a period of 45 days at a location appropriate for public inspection within the cadastral zone where those properties are located. This posting/display must also be accompanied with a public notice intended to notify individuals who may have a claim on the

immovable properties registered. All errors found or claims filed during the public display period must be made known to the registrar. Claims filed after the 45-day period of posting has elapsed shall not be accepted for consideration by the Registrar.

Article 27

Legalization of First registration

After the public display period under Article 26 of the present Law, all immovable properties, in respect of which there is no unsettled claim, shall be registered as delimited in the provisional *kartelas* and cadastral maps, and from that moment the registrar may issue certificates of ownership and, upon request, other certificates on the contents of *kartelas* and the cadastral maps.

Article 28

Settlement of Claims Related to First registration

1. A registrar shall consult with the claimants about the information contained in *kartelas* or cadastral maps, in order to clarify and correct material errors. Where parties submit claims related to the information in the first registration, the registrar shall make the necessary corrections, based on the ownership acquisition act or notary public act that confirms the consent of the parties.
2. Disputes that cannot be resolved amicably, shall be settled by the judicial authorities and the fact of the existence of that dispute shall be noted in the immovable property *kartela*.

Article 29

Cadastral Map

1. During the first registration process, cadastral maps shall be created of the immovable property registration zone covered by the local first registration office. A cadastral map must show the boundaries and geographical position of immovable properties, and other orientation indicators.
2. Each immovable property shall be assigned a single identification number within a cadastral zone, which is used to identify the immovable property on the registration *kartelas* and cadastral maps.
3. To expand the information provided by the cadastral map, a survey plan of a certain immovable property may also be documented. In this case, the documentation of the survey plan shall be noted on the *kartela*.
4. The registrar of a local first registration office shall be responsible for the preparation and maintenance of the cadastral maps belonging to the registration zone where that registration office carries out its activity.

Article 30

Correction of Cadastral Map and New Additions

A registrar may, at any time, with or without the request of interested persons:

- a) require that a study/survey be performed in respect of every immovable property, for purposes of the present Law, and, after having notified the interested persons, he/she may correct the cadastral map as a result of the above-mentioned study/survey;
- b) correct any technical or material errors in the cadastral map, unless the interests of a person or persons who have real rights over the thing, are affected;
- c) provide instructions on the preparation of a new cadastral map or a part thereof, in case of damage or loss;
- ç) make corrections designed to improve the cadastral map.

Article 31

Boundaries

If the parties participating in a dispute concerning an unclear matter or position of one or more immovable property boundaries reach a settlement of that dispute, the registrar shall, in accordance with that settlement, make corrections in the cadastral map and *kartelas*, and archive the notary public act that proves the settlement of the parties.

Article 32

Certificates of Ownership and Certificates of Use, Usufruct, Easements and Servitude and Other Real Rights

1. The registrar shall, at the request of the owner of an immovable property or beneficiary of a real right who has not been issued a certificate of ownership or lease, use, usufruct, easement, mortgage and servitude in respect of the immovable property, issue the owner a certificate of ownership, and the beneficiary of a real right a certificate of use, usufruct, mortgage, easement and servitude, as appropriate, in a written or electronic form, entering all the information which is contained in the *kartela* on that property, and which has an effect on the immovable property or its real rights.
2. Only one certificate shall be issued in respect of an immovable property registered in the appropriate *kartela*, for purposes of verifying ownership or other real rights created pursuant to different legal acts. That certificate shall be issued to the single property owner, or one of the co-owners in cases of duly authorised co-ownership under the applicable legislation.
3. The date of issuance of the certificate of ownership, use, usufruct, easement, mortgage and servitude shall be entered on the *kartela*.

Article 33

Lost Certificates

1. Where a certificate received by an interested person pursuant to Article 32 of the present Law, has been lost or damaged, that person may request that the registrar where the immovable property is located issue him/her a new certificate.

2. The registrar shall, for a period of 15 days, displays/publish a notice indicating the loss or damage of the certificate.
3. The registrar shall issue a new certificate, by putting on the *kartela* a note of the loss or damage, as appropriate, of the previous certificate.

Article 34

Consolidations and Divisions

1. If immovable properties bordering each other are owned by the same owner, and in each case are subject to the same rights and obligations, the registrar shall, at the owner's request, register their consolidation by closing the *kartelas* belonging those immovable properties, and opening a new one or more *kartelas* on the immovable property or properties resulting from such consolidations, and updating the cadastral map.

Upon a written application of a single owner or all co-owners requesting division of an immovable property in two or more parts, the registrar shall register the division by closing the *kartela* of the immovable property that is divided, opening new *kartelas*, and updating the cadastral maps in order to indicate the new immovable properties resulting from the division, and entering on the new *kartelas* all the information contained in the closed file.

2. In no event shall a registrar allow a change in the ownership of an immovable property, which cancels the real rights over it. Where an owner wants to divide his/her immovable property into parts, the registrar shall require that he/she submit a survey plan of the proposed subdivisions, prepared by a licensed surveyor.

3. In all cases specified in the preceding paragraphs of the present Article, the owners shall hand over to the Immovable Property Registration Office the original ownership certificate of the property subject of consolidation or division, and be issued new certificates of ownership of the created properties.

Article 35

Registration of Transfer of Ownership of a Part of the Immovable Property

A registrar shall not register the transfer of ownership of a part in kind of an immovable property, included in a file, unless the owner has first divided and registered the immovable property.

CHAPTER V

REGISTRATION PROCESS

Article 36

Effect of Registration

1. Once an immovable property has been registered, any subsequent legal actions concerning the rights over it must be registered in accordance with the provisions of the present Law.

2. The registration of an immovable property shall grant the owner, as an individual, as co-owner, the right to dispose of that immovable property in accordance with law. Every owner who acquires an immovable property or a real right over it shall be presumed to have been notified of any previous entries regarding the acquired immovable property or real right over it.

Article 37

Priority of Registration

1. Priority of registration shall be determined depending on the order of due submission of documents to the registrar, despite the date when they were drawn up and the fact that the entry on the *kartela* may be delayed.
2. The registrar may not accept new registration of an immovable property where there is a previous registration of a title in respect of that immovable property under Articles 44 and 45 of the present Law.
3. In cases where the documents submitted for registration create overlapping with a previously registered property, the registrar shall, by a reasoned order, refuse registration of the property for the part that creates overlapping, until a court settlement has been issued, and instruct the applicant to resolve the matter in an administrative or judicial manner.

Article 38

Mandatory Registration

1. Every act that brings changes in and/or benefit of property rights must be registered.
2. Every person, holder of a title or real right by an act where those rights are contained, must submit an application for the registration of the act within 30 days of its completion.
3. The courts, notaries, judicial execution officers and other government authorities shall, within 30 days from the date of issuance, send to the office which administers the register where the immovable properties are located, copies of the decision or act that contains the acquisition, recognition, modification, termination of a right of ownership or real right over an immovable property, or declares legal action for the transfer of a previously registered ownership invalid.

Article 39

Delay in the Submission of Documents for Registration

If an application for registration pursuant to Article 38 of the present Law is submitted later than 30 days of the date of its completion, an overdue interest shall, in addition to the registration fee, be paid for each delay day beyond that date, which is equal to 10 percent of the registration fee, but no more than 300 000 ALL.

Article 40

Suspension of Registration Actions

1. The holder of a property right or other right over an immovable property shall have the right

to request suspension of registration actions by a registrar, based on a notary public act that conditions those actions for as long as is specified in that act.

2. The registrar shall issue an order on the request presented under paragraph 1 of the present Article. The registrar's order of suspension and period of suspension shall be entered in the *kartela*.

3. The suspension order issued under paragraph 2 of the present Article shall be deemed invalid against another act duly issued pursuant to the applicable legislation, or a court decision that produces subsequent rights or obligations over the same immovable property, which is the subject-matter of the request.

Article 41

Registration of Co-owned Immovable Properties

1. Acts which contain acquisition of ownership and other real rights over an immovable property belonging to two or more persons jointly, shall be entered in the immovable property register, indicating the identity and part of every co-owner, where possible.

2. If a property which is subject-matter of a property transfer contract made in favour of natural persons who, according to the civil status register, are married, has been acquired during marriage in accordance with Article 76 of the Family Code, the registration in the appropriate section of the *kartela* shall indicate that the property is co-owned by both spouses.

Article 42

Registration of Sale Contracts

A contract for the sale of an immovable property shall be entered in the relevant section of the *kartela* of the immovable property after the elements of the form and content of the notary public act have been verified, as defined in the instruction adopted by the Council of Ministers.

Article 43

Registration of the Division of Co-owned Immovable Property

1. Where co-owners agree, by a notary public act, to the division of the immovable property, registration of the division of that property may be made in accordance with the notary public act, and survey plan.

2. The application for registration shall be made by:

a) one or more co-owners;

b) a person in whose favour a court decision has been issued for the sale of an inseparable part of the immovable property, only if that decision has clearly defined the position of his/her part.

3. Division shall be performed by following the procedure laid down in Article 34 of the present Law.

Article 44

Registration of Immovable Property Acquired by Prescription

1. The registration of ownership over an immovable property acquired by prescription shall be made upon presentation to the registration office of a final court decision of ownership acquisition.
2. The registrar shall, pursuant to that decision, register the person who has acquired the immovable property by prescription as owner of that property.
3. The registration of ownership acquisition under the present Article shall be made by the Immovable Property Registration Office upon satisfaction of the registration conditions set forth in Article 193, letter "h" and last paragraph, of the Civil Code. If the above conditions are not met, the Registrar shall propose refusal of the application for registration and the complete file of this practice, together with the draft-order of refusal, shall be submitted to the Chief Registrar for further process.
4. The Chief Registrar shall, within 30 days and by a reasoned order, decide in favour of the proposal or not. An appeal may be submitted to the court against the Chief Registrar's order refusing registration.
5. The decision elements, which are verified by the Immovable Property Registration Office, and procedure for issuing such an order shall be defined by the Council of Ministers.

Article 45

Registration of Property Transfer by Law, Court Decision, or Administrative Act

1. In cases where the state, legal/natural person has acquired the right of ownership of an immovable property by law, final court decision for the acquisition or transfer of ownership right, or by an act of an administrative body, the registrar shall, based on those acts presented by the person concerned, effect registration, entering the state, legal/natural person, to whom the ownership right has been transferred, as owner.
2. The registration of acquisition of ownership of an immovable property under the present Article shall be made by the Immovable Property Registration Office, upon fulfilment of the registration conditions set forth in Article 193, letter "h" and last paragraph, of the Civil Code.
3. If the above conditions are not met, the Registrar shall propose refusal of the application for registration, and the complete file of this practice, together with the draft-order of refusal, shall be submitted to the Chief Registrar for further process.
4. The Chief Registrar shall, within 30 days and by a reasoned order, decide in favour of the proposal or not. An appeal may be submitted to the court against the Chief Registrar's order refusing registration, or where that order has not been issued within the prescribed period of time.
5. The decision elements, which are verified by the Immovable Property Registration Office, and procedure for issuing such an order shall be defined by instruction of the Council of Ministers.

Article 46

Registration of a Construction Permit

1. A construction and/or development permit issued by the responsible authority, shall be sent

for registration by the local government bodies in the [area of the] respective local immovable property registration office. The registrar shall register the construction permit in a separate register, other than the register where the land has been registered, but make reference to the land which is the site of the construction for which the permit has been issued.

2. Upon registration of the construction permit, the registrar shall, subject to requests submitted by interested persons, enter in the separate register where the construction permit has been registered, any notary public acts signed between the property developer, in the capacity of investor, and land owners or buyers/contractors of the individual units that make up the structure to be constructed pursuant to the construction permit.

3. The principle of priority of registration under Article 37 of the present Law shall be applied in respect of registration of notary public acts referred to in paragraph 2 of the present Article, where the notary public act identifies the individualized unit, composite part of the structure.

4. The registrar shall, within 10 days, inform the tax authorities of the registration of the construction permit.

5. The criteria and procedures for the registration of a construction permit and notary public acts related to the development in the capacity of investor and the land owners or buyers/contractors of individual units shall be set forth by instruction of the Council of Ministers.

Article 47

Registration of New Buildings at the Stage of Carcase

1. Upon completion of the carcase of a building, the registrar shall make a temporary registration of the carcase in a separate register, other than the register where the construction permit has been registered, and make reference to the land on which the construction is carried out. The registration shall be valid until the completion of the building, for purposes of crediting development in the capacity of the investor and/or subjects with which the investor has signed the notary public acts referred to in Article 45 paragraph 2 of the present Law and paragraph 2 of the present Article.

2. The separate register shall have entries of the notary public acts referred to in Article 46 paragraph 2 of the present Law, including those that have not been entered in the construction permit register, but have been submitted for registration by the interested parties after the registration of the carcase.

3. After registering the carcase, the registrar shall issue temporary documents in favour of the development in the capacity of the investor and subjects with which the latter signed the notary public acts referred to in Article 46 paragraph 2 of the present Law. Registration of the carcase and temporary certificates shall be valid until the final registration of the new construction pursuant to Article 48 of the present Law.

4. The principle of priority of registration under Article 37 of the present Law shall also be applied in respect of registrations [of buildings] at the stage of the carcase.

5. The criteria and procedures for the registration of the carcase shall be defined by instruction of the Council of Ministers.

Article 48

Final Registration of New Constructions

1. Upon completion of the structure of a building, the registrar shall effect its final registration, immediately after the transfer for registration by the urbanism offices / units / departments of the local government units of the documentation referred to in Article 13 of the Law No. 8402, dated 10.9.1998 "On Controlling and Disciplining Civil Engineering Works", as amended, and Article 79 of the Law No. 10119, dated 23.4.2009 "On Territorial Planning", as amended.

2. For purposes of registration, the properties which are designated as such in notary public acts on the acquisition of ownership, concluded between the investor and the subjects with whom he/she has concluded the notary public act, shall be considered as owned by the owners of individual units. Individualized units of a facility, in respect of which the investor has not concluded a notary public act with third parties, shall be registered as owned by the investor, except for the properties defined in the act of mandatory co-ownership.

In the property *kartela* of the individual unit, the registrar shall make the respective note of the quota of participation of the individual unit in the mandatory co-ownership.

3. The criteria and procedures for the registration of individual units of a new structure shall be defined by instruction of the Council of Ministers.

Article 49

Registration of Legalized Facilities

1. A registrar shall register a legalized facility immediately upon delivery by the Agency for the Legalization, Urbanization, Integration of Informal Areas/Constructions, of the legalization certificate and documentation referred to in Article 29 of Law No. 9482, dated 03.04.2006. "On the Legalization, Urbanization and Integration of Illegal Constructions ", as amended.

2. The registration shall be carried out in favour of the subject that has been issued the legalization certificate.

Article 50

Registration of Common Premises in Buildings

1. A registrar shall register an act of mandatory common ownership of common premises of buildings, in a separate register in favour of the assembly of co-owners in proportion to the part of the residential building which is intended as or is an individual ownership.

2. For purposes of registration, all parts of a property in common ownership shall be considered common ownership of owners of individual units, in proportion to the quota of participation in the common ownership, with the exception of the unit which is individual ownership. A common property shall, as a rule, include all parts of the building, territory, equipment, environment and facilities in its service, that are not intended for individual use, are not public property, or are not owned by individual unit owners, such as land on which the building is set up, fenced yards, parking lots, swimming pools, lawns, foundations, support walls, roofs,

terraces, stairs, stair landing, lifts, passageways, cellars, wells, manholes, water storage tanks and common boilers.

Article 51

Registration of Lease Contract

1. A lease contract entered into by a notary public act, in respect of an immovable property, of duration of over 9 years, must be entered in the relevant section of the landlord's immovable property *kartela*. The lease contract entered into by a notary public act, in respect of an immovable property, of duration of over one year, may be registered in the immovable property register.

2. Where a lease contract covers a part of an immovable property, the existing immovable property *kartela* shall be closed, and new *kartelas* shall be opened for the part/parts that are leased and the remaining part/parts of the immovable property, and relevant entries shall be made in the cadastral map, as defined in Article 33 of the present Law.

Article 52

Registration of Pre-emptive Right

A Registration Office shall register a pre-emptive right pursuant to Article 204 of the Civil Code, and applicable law.

Article 53

Registration of Mortgages

Mortgaging requires registration of mortgage in the appropriate section of the immovable property *kartela*, or a part thereof, which is used as security for the obligation, registration of the person in whose favour it is created as its owner, and storage of the document in the file.

Article 54

Registration of Legal Mortgage

When registering an immovable property, the registrar must also register a legal mortgage, in the proper section of the immovable property *kartela*, where that arises from:

- a) legal acts pursuant to Article 563 of the Civil Code;
- b) administrative acts of the competent authorities for the collection of tax and customs duties;
- c) other acts as provided for by law.

Article 55

Cancelation of Mortgage

The registrar shall, on the basis of a written application submitted in the form prescribed by law, decide to cancel registration of a mortgage when the conditions pursuant to the relevant

Civil Code provisions have been met. The act which reasons the cancelation of the mortgage shall be attached to the application. The relevant actions shall be signed by the registrar.

Article 56

Registration of Titles "in Use"

Titles "in use", issued by government institutions in respect of immovable properties, [which are] state-owned property, shall be registered in the property *kartela* and reflected in the cadastral map. The [name of the] possessor of the title "in use" shall be entered in the relevant section and the state shall be entered in the owners section, as owner of the immovable property in question.

Article 57

Registration of Servitudes

1. The owner of an immovable property shall register a servitude by presenting to the registrar the act creating the servitude, in the form required by law, which must contain:
 - a) the nature of servitude, the period over which the servitude has effect, and any conditions or limitations that have an effect over it;
 - b) immovable property or part thereof that is affected by the servitude.
2. The document whereupon a servitude is applied shall be inserted in the file. It shall contain a survey plan, which is necessary to determine the location and extent of the servitude. The servitude shall be entered in the relevant section of the immovable property *kartela*.

Article 58

Termination and Alteration of Servitudes

Upon submission of an application and required documents by a person in whose favour the servitude has been placed, the relevant registration shall be made in the respective section of the immovable property *kartela*.

Article 59

Registration of Limitations

1. A registrar shall issue an order for the registration of a limitation in the appropriate section of the immovable property *kartela*, with or without a request of the person concerned. That note is made by the registrar in order to prevent fraud or improper actions on the rights of the registered ownership, where the facts or documents submitted/administered at the Immovable Property Registration Office indicate that the owner's right to act on the immovable property has been restricted.
2. This order shall prohibit transactions with that immovable property. A limitation may extend:
 - a) for a period of 30 days from the date of the notice;
 - b) till the occurrence of a certain event, but not more than 30 days.

3. The limitation act shall be issued in the form of an order, which must be reasoned and set out the legal remedies of the parties it is addressed to.

4. Upon expiry of the 30-day period, in case of failure to submit a court decision for the interested subject to take action for purposes of securing the claim, as defined in Article 202 and following articles of the Civil Procedure Code, the registrar shall have a duty to lift the registered limitation pursuant to paragraph 1 of the present Article.

Article 60

Notification and Effect of Limitation

1. Once a limitation order has been issued, a registrar shall notify the person in whose name the immovable property is requested to be registered, or has been registered.

2. Parties have the right to file an appeal to the court against the limitation order within 5 days of notice.

Article 61

Registration of Power of Attorney

A power of attorney shall, at the request of a represented party or representative, be registered in the ownership section of the *kartela* belonging to that immovable property, and the original copy shall be stored in the archives.

Article 62

Registration of Acts Performed in Other Countries

All acts performed in other countries must, when presented for registration, be duly translated and legalized.

CHAPTER VI

CORRECTION OF ERRORS IN THE REGISTER AND GUARANTEEING INFORMATION

Article 63

Correction by the Registrar

1. A registrar shall, at an owner's request, correct material errors in the immovable property certificate and/or *kartela* in the following cases:

a) in the case of errors or deficiencies that do not affect the interests of another owner;

b) where, after a survey, it turns out that an area shown on the *kartela* is not the same as the one indicated in the act of ownership acquisition. In this case, the registrar shall first notify all persons entered in the register who have an interest in or are affected by the proposed correction;

- c) upon presentation of a certificate of the change of an owner's name or address, and at the owner's written request, the registrar shall enter the change in the *kartela*.
2. Where the registrar finds that the certificate contains material errors, he/she shall, after the previous ownership certificates have been handed over, issue a new certificate.
3. The registrar's order to correct the *kartela*, in the cases provided for in paragraph 1 of the present Article, may be examined by the Chief Registrar.

Article 64

Improving *Kartelas* and Cadastral Maps

1. *Kartelas* and cadastral maps shall be improved and/or updated after completion of the first registration of the immovable property, when:
 - a) the data entered in them are not consistent with those of the act of acquisition of ownership or real right, used to perform the registration; and/or
 - b) there is no connection between a *kartela* and cadastral map; and/or
 - c) geographical location of properties, as indicated in the cadastral map, does not correspond to the actual geographic location of those properties according to the act of acquisition of ownership.
2. The process for the improvement/updating of *kartelas* and cadastral maps shall be made by order of the Chief Registrar, on proposal by the registrar. The Chief Registrar's order shall be published / notified pursuant to the rules established by the applicable legislation.
3. The data obtained after the improvement process must be posted for a period of 45 days at the premises of the local Immovable Property Registration Office and local government body where the zone which is subject of data improvement is located.
4. Interested persons shall, within the prescribed period of public display, have the right to submit requests to improve/update the data. Upon lapse of the prescribed period of public display under paragraph 3 of the present Article, all immovable properties in respect of which there are no claims, shall be registered as they are in the improved/updated *kartelas* and cadastral maps.
5. The conditions and procedures for improving and updating the data shall be defined by decision of the Council of Ministers.

Article 65

Guaranteeing Information

1. The Immovable Property Registration Office shall, upon completion of the first registration, guarantee the information regarding:
 - a) right of ownership and real rights registered;
 - b) property identified as subject to such rights;
 - c) holder of that right.
2. The Registration Office shall be exempted from the responsibility of guaranteeing information in cases of loss or transfer of property rights, in accordance with the

implementation of the applicable Albanian legislation on expropriation, public interest, and any binding decision that brings about effects on the immovable property.

Article 66

Procedure for Claiming Compensation

The Registrar shall, at the request of an interested party, make a special decision whether a particular right to compensation for damages caused, arising from the registration of information guaranteed under Article 65 paragraph 1 of the present Law, must arise in accordance with the provisions of the present Law. When approving the Registrar's decision, the Chief Registrar shall determine the amount of compensation for the damage incurred in connection with the case.

Article 67

Amount of Compensation

The rules for calculating the compensation for damages caused as a result of the registration of improper information on an immovable property shall be defined by decision of the Management Board.

CHAPTER VII

ACCESS TO INFORMATION

Article 68

Rules of the Right to Information

The owner or person who proves that he/she has a legitimate interest in accordance with the provisions of the present Law, shall be entitled to obtain information and copies of documents that are in the immovable property registers, *kartelas*, cadastral maps, documents filed with the application for registration, and documentation held and administered by the local immovable property registration offices.

Article 69

Guaranteeing Access to and Dissemination of Information

1. Distribution of the register extracts shall be performed ensuring the security of the data system, and standards and principles for the protection of personal data, according to the applicable legislation, through several levels of security, as set out in Article 7 of the present Law.
2. Legal/natural, domestic or foreign persons shall be given an access code and the right to receive data extracts directly, only through the electronic register, ensuring that it is technically impossible to manipulate the electronic register through the electronic system.

3. Legal/natural, domestic or foreign persons who have the right to have access to the electronic system may receive electronic property extracts/documents directly, after they have taken the consent of the subjects who are registered as owners of the immovable property.
4. Subjects that are not allowed access under paragraphs 2 and 3 of the present Article shall have the right to request that the Immovable Property Registration Office provide the relevant information, by electronic mail or post delivery, upon satisfaction of the requirements of the present Law.
5. The Chief Registrar shall verify every 24 hours if receipt of such data by subjects has been made in accordance with the provisions of the present Law.
6. The rules and procedures for the exercise of the legal/natural, domestic or foreign persons' right to have access to the electronic system, shall be defined by decision of the Council of Ministers.

Article 70

Providing Information on the Application Submitted to the Immovable Property Registration Office

1. A person who submits a request for the provision of a service by the Immovable Property Registration Office, shall be assigned an identification number and security code of the request, through which he/she can verify the status of handling of his/her request.
A request for the performance of a service by a registration office shall be handled within 15 days. As an exception, the Chief Registrar may establish a timeframe other than that prescribed above, which in any case may not be more than 15 days.
2. The Immovable Property Registration Office shall ensure that the information specified in paragraph 1 of the present Article is provided through the data base created therein.
3. This data base shall be accessible by the Minister of Justice, the Head and members of the Management Board, and Chief Registrar.

CHAPTER VIII

FEES AND INFRINGEMENTS

Article 71

Fees

1. Issuance of immovable property certificates, leases, certified copies of inspections, survey plans, printed forms, information on the legal status of properties, and other services performed by the Immovable Property Registration Office based on the data administered in the immovable property register, shall be made upon payment of certain fees and, in case of delays, interest shall also be paid. A registrar shall refuse to act until a fee and interest due have been paid, as laid down in Article 39 of the present Law.
2. The list of services shall be determined by decision of the Council of Ministers.

3. The Minister of Justice and Minister of Finance shall, by joint instruction and on proposal by the Management Board, approve the service fees payable to the Immovable Property Registration Office.

Article 72

Infringements

1. A statement or action contrary to Article 7 of the present Law shall, where it does not constitute a criminal offense, be punished by the registrar by a fine of 5 000 to 50 000 ALL. An appeal may be filed against the registrar's decision to the Chief Registrar within 30 days. An appeal may, within 30 days of the date of notification, be filed against the Chief Registrar's decision or failure to render a decision to the district court where the infringement has been committed.

2. Consideration of administrative infringements and execution of decisions shall be made pursuant to the Law No. 10279, dated 20.5.2010, "On Administrative Infringements".

3. Unauthorised transfer of data to third parties, excluding interaction, pursuant to the Law No. 10325, dated 23.9.2010, "On the State Data Basis" shall, unless it constitutes a criminal offense, constitute an administrative infringement and punished under the present Article.

4. Unlawful interference with the electronic immovable property data base or computer transmissions, and dissemination of immovable property-related data by employees authorised to perform automatic data processing shall constitute a criminal offense and punished under the provisions of Article 192/b of the Criminal Code.

Article 73

Appeals

1. An appellant may, within 30 days of the date of receipt of notice about this decision/order of the Chief Registrar, notify the registrar, through a specific form, of his intention to file an appeal against the decision/order in court.

2. When an appellant requests that the registrar take the case to court, that party shall pay to the registrar the amount needed to cover the costs for the preparation of the documents.

Article 74

Effect of Appeals

In case an appeal related to the registration of immovable property is filed to the Chief Registrar or judicial bodies, the registrar shall make an entry thereof in the relevant section of the kartela, indicating the fact that an appeal to the Chief Registrar or the court is pending for decision.

CHAPTER IX

FINAL PROVISIONS

Article 75

Transitional Provisions

1. The registrars must, within the first year of entry into force of the present Law, obtain a certificate of knowledge, pursuant to Article 19 paragraph 4 of the present Law.
2. The registrars of the local immovable property registration office shall, within 45 days of the entry into force of the present Law, have a duty to handle all limitations on the immovable property registrations, imposed prior to entry into force of the present Law, as defined in Article 59 thereof, with the exception of limitations imposed on the ground that registration was performed contrary to the provisions laid down in Article 193 or 195 of the Civil Code, or creates an overlap with another registration.
3. Registration index maps created and administered at the time of entry into force of the present Law, in the registration office, after the completion or during the first registration process, pursuant to the provisions set out in the Law No. 7843, dated 13.7.1994, "On the Immovable Property Registration", as amended, shall still be used by the immovable property registration offices until they are replaced with cadastral maps created pursuant to the present Law. Application of cadastral maps shall start after 1 January 2014.

The Immovable Property Registration Office shall be funded for the following year as set out in the Law on Annual Budget.

Article 76

1. The Council of Ministers shall be responsible for issuing, within 3 months of entry into force of the present Law, regulations pursuant to Article 7 paragraphs 2, 3 and 5, Article 10 paragraph 3, Article 25, letters "b", "c" and "d", Article 44 paragraph 5, Article 45, paragraph 5, Article 46 paragraph 6, Article 47 paragraph 5, Article 48 paragraph 3, article 64 paragraph 5, Article 69, paragraph 6, and Article 71 paragraph 2, of the present Law.
2. The Minister of Justice and Minister of Finance shall, within 3 months of entry into force of the present Law, issue a by-law pursuant to Article 71 paragraph 3 of the present Law.
3. The Management Board shall be responsible for issuing acts pursuant to Articles 6 and 67 of the present Law.

Article 77

Repeals

1. Article 6 Paragraph 23 of the Law No. 8678, dated 14.5.2001, "On the Organisation and Functioning of the Ministry of Justice", as amended, shall be repealed.
2. Law No. 7843, dated 13.7.1994, "On the Registration of Immovable Property", as amended, shall be repealed.
3. By-laws that conflict with the present Law shall be repealed.

Article 78

Entry into Force

The present Law shall enter into force 15 days of its publication in the Official Gazette.

Adopted on 21.3.2012

Promulgated by Decree No. 7378, dated 09.04.2012, of the President of the Republic of Albania,
Bamir Topi.

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