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LAW
No. 57/2012

**ON FINALIZING THE PROCESS OF TRANSFER OF OWNERSHIP OF AGRICULTURAL LAND OF
FORMER AGRICULTURAL ENTERPRISES**

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

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

This Law aims at finalizing the legal procedures for the transfer of ownership, without compensation, of agricultural land of former agricultural enterprises to the beneficiaries, according to Law No. 8053, dated 21.12.1995 "On granting ownership of agricultural land without compensation", as amended, who have not made the transfer of ownership, according to the conditions and procedures set forth in this Law.

Article 2

This Law applies to:

- a) Agricultural households or individuals who are beneficiaries of agricultural land, according to the decision no. 452 dated 17.10.1992 of the Council of Ministers "On restructuring of agricultural enterprises", as amended, who, at the time of entry into force of this Law, are residents of the commune or municipality and in no case since 1.10.1992 have not changed their place of residence, according to the civil registry, and use land for agricultural activity, but they have shortcomings in fulfilling the documentation of use or ownership.
- b) Agricultural households or individuals who have moved from their residential centers and have settled in the territories of former agricultural enterprises by special decisions of the Council of Ministers, according to which they are beneficiaries of

agricultural land in use or in ownership and use land for agricultural activities, but they have shortcomings in fulfilling the documentation of use or ownership.

Article 3

1. The following are excluded from the application of this Law:

a) Agricultural lands of former agricultural enterprises, stipulated in Article 2 of Law No. 8053, dated 21.12.1995 "On granting ownership of agricultural land without compensation", as amended.

b) Agricultural land in cases when:

i) it is registered as private property in the register of the Immovable Property Registration Office;

ii) it is involved in the process of legalizations, according to Law No. 9482, dated 3.4.2006 "On the legalization, urbanization and integration of illegal constructions", as amended;

iii) by a decision of the Council of Ministers it was transferred to the Physical Compensation Fund and made available to the Agency for Restitution and Compensation of Property;

iv) the Land Acquisition Act (LAA) was issued, up to 15 August 2008, by land allocation commissions, whether or not registered in the immovable property register;

v) by a decision of the Council of Ministers or decisions of the Council for Territory Regulation of the Republic of Albania, it is no longer such. This does not include households or individuals who have acquired agricultural land as co-founders of former agricultural cooperatives or former agricultural enterprises;

vi) is the subject of the request, which is being reviewed by the Agency for Restitution and Compensation of Property, but no decision has been taken yet;

vii) is the object of a judicial dispute, for which the commune or the municipality has been officially informed by the court;

viii) is leased, pursuant to Law No. 8318, dated 1.4.1998 "On the lease of agricultural and forestry land, meadows and pastures that are state property", and implementing by-laws.

2. Agricultural lands that do not pass to private ownership, under this Article, remain state property.

Article 4

1. Agricultural households or individuals are provided with property acts, under the terms and procedures set out in this Law, if they are beneficiaries of agricultural land in use, according to decision no. 452, dated 17.10.1992 of the Council of Ministers "On restructuring of agricultural enterprises", as amended, and since the entry into force of this decision:

a) use land for agricultural activity and hold the act of obtaining land in use issued until 15.8.2008;

- b) use land for agricultural activity, although they are not provided with the act of use.
2. The area of agricultural land that is given in ownership, under this Article, shall be:
- a) For beneficiaries according to letter “a” of point 1 of this Article, equal to the land that the user has in use, but in no case greater than the area indicated in the act of use, nor greater than the area that belongs to him/her, according to the norm per capita, stipulated by the applicable legislation.
 - b) For beneficiaries according to letter “b” of point 1 of this article, equal to the land that the user has in use, but in no case greater than the area that belongs to him/her, according to the norm per capita, stipulated by the applicable legislation.

Article 5

1. Agricultural households or individuals, who have moved from their residential centers and have settled in the territories of former agricultural enterprises, are provided with property acts, according to the terms and procedures set out in this Law, if they meet the following conditions:
- a) by a special decision of the Council of Ministers, they are beneficiaries of land ownership or land in use;
 - b) from the entry into force of such decisions, they use the land for agricultural activity, even though they are not provided with the act of use or ownership;
 - c) their agricultural land is not included in any of the cases provided in Article 3, point 1, letter “b” of this Law.
2. The area of agricultural land that is granted ownership, under this Article, shall be equal to the land that agricultural households or individuals use for agricultural activity, but in no case greater than the area that belongs to him/her, according to the stipulations of the respective decisions of the Council of Ministers.

Article 6

Acts of acquiring land ownership, acquired by agricultural households or individuals, without having previously obtained an act of acquiring land in use or having an act of acquiring land in use, issued after February 1996, and meet all the other conditions of the applicable legislation at that time, are considered valid.

Article 7

1. Chairpersons of villages, their headships, the chairperson of the commune/mayor and his/her administration shall identify, determine and specify which are the actual land users for agricultural activity, its location, area and boundaries for each user.
2. The determination of agricultural land users for each village in a commune/municipality is made by a decision of the communal/municipal council, taken in accordance with point 4 of Article 33 of Law No. 8652, dated 31.07.2000 “On the organization and functioning of local

governance”, as amended, which is the final administrative act for determining the users of agricultural land for each village.

3. The Land Acquisition Act may not in any case be completed for agricultural households or individuals who do not appear in the above-mentioned decision of the communal or municipal council. Persons identified as users, according to the procedure provided in points 1 and 2 of this Article, are provided with the LAA only if they meet the conditions, criteria and procedures set forth in this Law.

Article 8

The chairperson of the commune/mayor is in charge for carrying out the procedures for providing the entities with LAAs, according to the requirements, criteria and conditions set forth in this law. This procedure starts only after:

- a) the decision of the communal/municipal council that determines the users of agricultural land is taken;
- b) the decision of the communal/municipal council is officially delivered to the institutions that deal with the conduct and control of the verification process of the legal validity of the creation of ownership titles on agricultural land, such as:
 - i) the Governmental Land Commission and the Technical Secretariat; ii) the Local Commission for Verification of Ownership Titles at the District’s Prefecture; iii) the Directorate for Land Administration and Protection at the District’s Council; iv) the Agency for Restitution and Compensation of Property.

Article 9

The LAA issuance may not in any case be made unless the official answer is received from all the institutions in charge, according to letter “ç” of Article 12 of this Law. The assessment is made on the date of drafting of the response by the respective institution.

Article 10

1. In all cases when the official information given during the verification process, under Article 3, point 1, letter “b”, subdivisions “i”, “ii”, “iii”, “iv”, “v” and “viii” of this Law, provides that the property was transferred to the ownership or administration of a public body or entity, then the user’s term for the use of the agricultural land is terminated according to the act of obtaining land in use if he/she holds such act.

2. If the official information given during the verification process of the legal status of the property, provides that the agricultural land is subject to review at the Agency for Restitution and Compensation of Property or in the court and these institutions:

- a) determine by a final decision, within the term for filling LAAs, according to the definition of Article 11 of this Law, another user from the user for this land, then the user’s term for the use of agricultural land is terminated;

b) do not determine by a final decision, within the term for filling LAAs, as defined in Article 11 of this Law, another owner from the user for this land, then this shall not become an obstacle to the transfer of land from use to ownership, if the user meets the other conditions of this Law;

c) they fail to make a final decision within the term for filling LAAs, as defined in Article 11 of this Law, then the use of the land by the user continues until there is a final decision by one of the aforementioned institutions. Then, actions are conducted according to the stipulations of letters “a” and “b” of this point. If we have a decision, as in the case of letter “b”, then the user is entitled to claim the ownership of this land in court, in accordance with the criteria of this Law.

Article 11

The term for filling LAAs expires within one year from the date of entry into force of the by-laws pursuant to this Law.

Article 12

The Council of Ministers is in charge that, within two months from the entry into force of this Law, determine by decision:

a) the duties, responsibilities and procedures for the final determination of agricultural land users of former agricultural enterprises, according to the criteria of this Law;

b) the documentation that the interested subject shall submit, and the documentation and information that the chairman of the commune or the mayor or municipality may require and control in accordance with this Law;

c) the documentation that the interested subject has to submit to prove his/her being co-founder of former agricultural cooperatives or former agricultural enterprises;

ç) institutions where the fulfillment of requests will be formally required, according to Article 3, point 1, letter “b” of this Law, procedures and detailed rules of cooperation, and the terms of communication with these institutions;

d) the form of the final ownership document and the manner of its storage and follow-up to the institutions conducting and controlling the process, up to its delivery for registration at the local immovable property registration office.

Article 13

Legal and sub-legal acts that fall into contradiction with this Law shall be repealed.

Article 14

This law enters into force 15 days after its publication in the Official Journal and shall not be effective after 1 October 2013.

Adopted on 17.5.2012

Promulgated by Decree No. 7506, dated 5.6.2012 of the President of the Republic of Albania, Bamir Topi