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DECISION

No.383, dated 19.5.2010

ON THE DETERMINATION OF THE PROCEDURES FOR THE ALLOCATION OF THE MONETARY COMPENSATION FUND FOR THE OWNERS OF THE IMMOVABLE PROPERTIES, BEING PRIVATE PROPERTY, AFFECTED BY INFORMAL CONSTRUCTIONS

(Amended with Decision No. 90, dated 14/02/2018)

(Amended with Decision No. 805, dated 29.12.2017)¹

(Amended with Decision No. 19, dated 9.1.2013)²

(Amended with Decision No. 792, dated 06/10/2010)³

Pursuant to article 100 of the Constitution, of articles 6 and 8 of law no.10239, dated 25.2.2010 "On the creation of the special property compensation fund" article 15/1 of law no.9482, dated 3.4.2006 "On legalization, urbanization and integration of illegal constructions", amended, and law no. 9235, dated 29.7.2004 "Om property restitution and compensation", amended, with the proposal of the Ministry of Justice, the Council of Ministers

DECIDED:

1. The Property Treatment Agency (hereinafter PTA), pursuant to the decisions of the Council of Ministers, which stipulate the compensation of the owners of the immovable properties, being

¹ *The following paragraph has been added with this decision: 2. The Ministry of Justice and the Property Treatment Agency shall be responsible for the enforcement of this decision.*

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³ *The following paragraph has been added with this decision: 2. The Ministry of Justice and the Property Treatment Agency shall be responsible for the enforcement of this decision.*

- private property, affected by informal constructions, announces publicly in the media and/or through its official webpage, the list of the persons who benefit from the property compensation fund for the respective period.
2. The following shall be specified in the public announcement:
 - a) the beneficiary's generalities;
 - b) *(Repealed with Decision No. 792, dated 06/10/2010)*
 - c) the necessary accompanying documentation of the request;
 - ç) the value of the service fee;
 - d) the obligation for the beneficiary subjects to open, on their behalf and interest, a bank account in one of the second level banks.
 3. The registration/admissibility process of the requests for compensation shall start 5 (five) days after the public announcement date.
 4. Upon the order of the Director General of the PRCA, the workgroup is established for the admission and the review of the requests, whose object is the compensation of the owners of the immovable properties, being private property, affected by informal constructions and the allocation of the respective fund.
 5. This procedure shall be carried out for each fund that is transmitted to the PRCA, according to law no. 10239, dated 25.2.2010 "On the establishment of the property compensation special fund", and pursuant to the decisions of the Council of Ministers, which stipulate the compensation of the owners of the private immovable properties, being private property, affected by informal constructions.
 6. The subject, or the representative with his power of attorney, within the time limit stipulated in the public notification, lodges with the PRCA office the following documentation:
 - a) The request for property compensation according to the model form, attached to this decision;
 - b) The attestation of inheritance for all the legal heirs of the beneficiary subject, according to the line of the heirs, in compliance with the stipulations of the Civil Code. For the attestations of the inheritances issued by the court for the will done with a notary act, a family certificate of the person, for whom this inheritance attestation is issued, shall be brought;
 - c) The special power of attorney, signed by all the subjects who benefit compensation, where the right to withdraw the financial amount, on their behalf, shall be included as a necessary right;
 - ç) The certification issued by the second-level bank for opening the bank account on behalf and for the interest of the beneficiary subject, specifying the bank account number, where the benefited financial amount shall be transferred;
 - d) *(Repealed with Decision No. 90, dated 14/02/2018)*
 - dh) The payment certification, which certifies that the service fee has been paid.

6/1 (*Added with Decision No. 792, dated 06/10/2010*) In the cases when it is impossible to submit the power of attorney, according to letter “c” of paragraph 6, each co-owner or a part of them, shall submit an individual or a joint request for the part that belongs to them in the property that is compensated. If the request is submitted by a part of the co-owners, it shall be accompanied with the special power of attorney signed by them, including necessarily the right to withdraw the financial value, in their behalf.

In the case of the individual requests of each co-owner or of a part of them, a service fee shall be paid for each application that is done, even though it belongs to the same immovable property.

7. The PRCA cooperates with ALUIZNI and the local registration offices of the immovable properties for the verification and the confirmation of the data for the beneficiary subjects.

(*Amended with Decision No. 805, dated 29.12.2017*) In case the lists of the beneficiaries, adopted with the decisions of the Council of Ministers, the subjects’ personal data are found to be different from their factual ones, then the PTA is entitled to verify and try, based on the general data of the property and inheritance taken in the third institutions, that the personal data of the beneficiary subjects are the same with the ones of the subjects published in the lists of the respective decisions of the Council of Ministers”.

8. (*Amended with Decision No. 792, dated 06/10/2010*) According to paragraph 4 of this decision, the working group, within 60 (sixty) days from the date of the submission of the request, shall carry out the following actions:

- a) Verifies the legitimation for every request for the compensation of the property;
- b) Controls the documentation submitted by the beneficiary subject;
- c) Confirms other necessary data at the respective institutions;
- ç) Drafts the explanatory report, where they propose to the Director General the transfer of the amount at the respective bank account;
- d) (*Repealed with Decision No. 792, dated 06/10/2010*)

9. (*Amended with Decision No. 792, dated 06/10/2010*) The General Director of the PRCA, within 30 (thirty) days from the date of the completion of the verification process by the working group:

- a) issues the decision on the approval of the list of the subjects that are compensated, specifying even the number of the bank account where the compensation amount shall be deposited;
- b) orders the publication of the list of the subjects that are compensated;
- c) notifies the applicant, who is not included in the list of the subjects who are compensated, specifying the reasons of the non-inclusion.

9/1 (*Added with Decision No. 792, dated 06/10/2010*) The beneficiary subjects, whose request has not been accepted due to a lack of documentation during the previous procedures, are entitled to reapply after the completion of the shortcomings that are found.

These subjects do not pay a service fee, if they try its payment during the previous application.

10. The PRCA, within 5 days from the approval of the request and of the list of the subjects who are compensated carries out the actions with the treasury branch and the second level bank for the amount deposited in the bank account, opened for this purpose by the beneficiary subject, in compliance with the procedures stipulated in the legislation into force for the payments made by the State Budget.

In order for the beneficiary subject to take the instalments in continuation, the subject shall not submit a new request to benefit. The PRCA, based on the criteria of the compensation fund allocation and its condition, deposits the respective amount in the bank account, opened for this purpose by the beneficiary subject, notifying the latter on the bank action that is conducted.

11. *(Amended with Decision No. 19, dated 9.1.2013) (Amended with Decision No. 792, dated 06/10/2010)* The PRCA carries out the division of the property compensation fund in a proportional value with the respective measure provided for in the lists attached to the decisions of the Council of Ministers, which determine the compensation of the owners for properties, which are affected by the informal constructions, up to the same measure benefited by the subjects compensated earlier.

12. The Ministry of Justice and the Property Treatment Agency shall be responsible for the implementation of this decision.

This decision shall enter into force after its publication in the Official Journal.

PRIME MINISTER

Sali Berisha

**REQUEST
FOR PROPERTY COMPENSATION**

Addressed to: PROPERTY TREATMENT AGENCY, TIRANA

Date when the request is submitted: ____/____2010

Beneficiary subject:

Name	Father's name	Last name

The representative with a power of attorney of the beneficiary subject, who submits the request:

Name	Father's name	Last name

The address of the beneficiary subject or of his representative with a power of attorney:

District	City	Village

Neighbourhood	Street	Number of residence

Telephone	Mobile phone	e-mail

In compliance with article 15/1 of law no. 9482, dated 3.4.2006 "On the legalization, urbanization and integration of the illegal constructions", amended, articles 5 and 6 of law no.10 239, dated 25.2.2010 "On the establishment of the special fund of property compensation" as well as the decision of the Council of Ministers no. _____, dated ____/____, I, thereby, require the compensation of the immovable property which is affected by the informal constructions.

In the enclosed list of the decision of the Council of Ministers no. _____, dated ____/____/____, I have the cardinal number ____.

Applicant

(name, father's name, last name)

Note: This form is an official document. The submission of false data or hiding the data cause the immediate exclusion from any further procedure as well as criminal liability according to the law.