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### DECISION

**No. 1031, dated 16.12.2015**

### **ON THE STIPULATION OF THE RULES ON THE COORDINATION OF WORK BETWEEN ALUIZNI AND LOIPR AND OF THE PROCEDURES OR OF THE LIMITATIONS ENFORCED FOR THE REGISTRATION OF THE LEGALIZED PROPERTIES**

Pursuant to article 100 of the Constitution and to article 30 of law no. 9482, dated 3.4.2006, "On the legalization, the urbanization and the integration of illegal constructions", as amended, upon the proposal of the minister of Urban Development, the Council of Ministers

### DECIDED:

#### **I. THE RULES AND THE PROCEDURES OF INFORMATION EXCHANGE BETWEEN ALUIZNI AND IPRO**

1. ALUIZNI and IPRO coordinate the activity for:

- a) the verification of the legal status of the property where the informal constructions have been built;
- b) the improvement/updating of the immovable property register, the cadastral files and maps, according to the cadastral blocks where the informal constructions have been built;
- c) the registration of the legalization permit and of the legalized property.

2. The request for information, for the verification of the legal status of the property (legal status) shall be sent by ALUIZNI to the LOIPR not later than 10 days from the date of the factual study in the field (the date of the "Minutes on the study in the field") and shall be accompanied with the vector map in the letter and electronic format.

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3. The LIPO, within 15 days from the administration of the request, sends information on the legal status of the properties in the cadastral block, including:

- a) data on the owner of the property;
- b) cadastral map, in the paper and electronic format;
- c) the files.

4. The information on the legal status serves only for the determination of the person who has the right to ownership over the construction parcel of the informal object and for the qualification procedure, only regarding the informal construction which is found under the conditions of article 35 of law no. 9482, dated 3.4.2006 “On the legalization of illegal constructions”, as amended.

5. When the LIPO does not send information, according to the stipulations of paragraph 3, ALUIZNI continues with the administrative procedures for the legalization of the construction, requesting its registration, according to chapters II and III of this decision.

6. When the cadastral zone is not subject to the initial registration and the owner of the construction does not have the documentation which proves the ownership over the plot of land, ALUIZNI continues with the procedures on the transfer of the ownership right, as in the case of the informal constructions located on the “state” plot of land.

7. The stipulations of paragraph 6 of this decision do not impinge, in any case, the right of the non-possessing owner of the plot of land for compensation, according to article 15/1 of law no. 9482, dated 3.4.2006 “On the legalization, the urbanization and the integration of the illegal constructions”, as amended. Providing that during the initial registration procedures there are ownership allegations over the plot of land, based on the earlier titles than the legalization permit than LIPO requests to ALUIZNI to draft the proposals on the compensation procedures for the non-possessing owner.

8. The stipulations of paragraphs 5 and 6 of this decision are not implemented for the territories where the adopted documents of the territory planning foresee the establishment of buildings of more than six floors.

## **II. SUBMISSION OF THE REQUEST ON THE LEGALIZATION PERMIT REGISTRATION**

9. The request for the registration service of the legalization permit and for the issuance of the ownership certificate on the legalized property is presented by ALUIZNI, on behalf of the beneficiary of the permit according to the request form, adopted by the LIPO.

10. The request for registration is submitted at the LIPO by ALUIZNI within 5 days from the date of the adoption of the legalization permit and is accompanied with the following documentation:

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- a) The legalization permit;
- b) The general plan of the legalized property, as a fragment of the vector map of the cadastral block;
- c) The blueprint of the informal construction (for each floor);
- ç) A copy of the certificate of the possessor's family state, possessed by ALUIZNI, from the moment of the application for legalization.

11. Providing that the possessor of the legalized construction is under the conditions of article 16 law no. 9482, dated 3.4.2006 "On legalization, urbanization and integration of the illegal constructions", as amended, or when the possessor has signed with ALUIZNI the contract of the ownership transfer over the construction plot of land, before this decision enters into force, the ownership documentation over the construction parcel is sent to the LIPRO along with the documentation of paragraph 10 of this decision.

12. The treatment of the request submitted by ALUIZNI, according to paragraph 10 of this decision, does not become subject to the time limits and the standard procedures, stipulated in decision no. 376, dated 6.6.2012 of the Council of Ministers, "On the procedure of the document issuance by the immovable property registration offices", as amended.

### **III. PROCEDURES OF LEGALIZATION PERMIT REGISTRATION**

13. The registrar, upon the submission of the request, according to paragraph 10 of this decision, carries out within 10 days, the registration of the legalization permit, in compliance with article 49 of law no. 33/2012, "On immovable property registration". The specification if the property (the legalized object) is individual, family basis or in co-ownership (I/F/C) is carried out by the LIPRO, based on the legalization permit and the certificate of the family status, which is transmitted by ALUIZNI.

The detailed procedures of the provision by the LIPRO of the registration service and of the issuance of the legalized immovable property certificate shall be determined upon a joint instruction of the chief registrar and of the General Director of ALUIZNI.

14. The legalization permit, adopted without an ownership relation over the construction parcel for the registered permit, according to paragraph 14, shall be carried out by the LIPRO immediately, upon the entry into force of the decision of the Council of Ministers who adopt the transfer of the ownership right over the construction plot of land and the compensation of the owners.

15. The removal of the notes from the file and the ownership registration over the construction plot of land, for the registered permit, according to paragraph 14, shall be carried out by the LIPRO immediately, upon the entry into force of the decision of the Council of Ministers, which adopts the transfer of the ownership right over the construction plot of land and the compensation of the owners.

16. Apart from the procedures stipulated in paragraphs 14 and 15 of this decision, the LIPRO carries out even the registration of the legal mortgage, according to paragraph 2/1 of article 30 of law no. 9482, dated 3.4.2006, "On legalization, urbanization and integration of illegal constructions", as amended. The registration of the legal mortgage shall be done at the respective section of the file of the legalized property.

17. Regarding the constructions which are possessed by more than one subject, providing that the part of the obligation for the construction plot of land is not paid, the legal mortgage is determined on the aligning part of the legalized property.

18. The deletion of the legal mortgage from the LIPRO is carried out no later than 5 days from the date of the notification from ALUIZNI for the payment of the payments, a notification which is accompanied with the trying documentation.

19. The legalization permit, issued for the constructions, for which the subject possesses the right of ownership over the construction parcel (urban plot of land), according to the form required by the law, shall be registered by the LIPRO in the immovable property register, in compliance with the time limit provided for in paragraph 13 of this decision.

20. The legalization permit shall be registered in compliance with the provisions of the Family Code over the marital property regimes.

For this purpose, the interested persons, who benefit the legalization permit, shall submit at ALUIZNI, the documentation which proves the special marital regime, which is transmitted to the LIPRO. On the contrary, the registration shall be carried out according to the legal unit regime.

21. When the legalization permit is issued in favour of more than one (natural/legal) person, the stipulations of paragraph 2 article 30 of law no. 9482/2006 "On legalization, urbanization and integration of illegal constructions" are implemented for its registration.

#### **IV. LAST PROVISIONS**

22. Pursuant to paragraph 11, of decision no. 488, dated 22.7.2014 of the Council of Ministers, ALUIZNI requires officially to the Operator of Power Distribution the confirmation regarding the fulfilment or not of the obligations by the subject which benefit from the legalization permits. If the OSHEE does not reply within 10 days from the administration of the request, ALUIZNI notifies the Ministry of Energy and Industry.

23. The beneficiary subjects of the legalization permits, who are confirmed to have liquidated the payments of the supply with electricity during a year, from the moment of the notification of the payment

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of the construction parcel, benefit the remission of 10% of the value. With regard to the debtor subjects, ALUIZNI requires to the LIPRO the determination of the limitation on the legalized property.

24. The legalization permit, issued for the projection of the flat roof or of the volume supported only on one side (console), shall be registered in the immovable property register, in compliance with the stipulations of this decision.

25. For the registration of the informal extension in the height, in the legal block of flats, the LIPRO proceeds according to the stipulations of this decision. For this purpose, the LIPRO shall make the respective notes in the immovable property register for the reallocation of the participation quota over the plot of land of the existing building as well as over the common space (in mandatory co-ownership).

26. Decision no. 258, dated 4.5.2007 of the council of Ministers “On the registration of the legalized immovable properties”, shall be repealed.

27. The Ministry of Justice, the Ministry of Urban Development, the Immovable Property Registration Office, the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions and the Operator of Electricity Distribution shall be responsible for the implementation of this decision.

This decision enters into force after the publication in the Official Journal.

**PRIME MINISTER**  
**Edi Rama**