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**EURALIUS**  
Consolidation of the  
Justice System in Albania

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### INSTRUCTION

No 1, dated 31/01/2007,

### ON THE REGISTRATION PROCEDURES WITH THE IMMOVABLE PROPERTIES REGISTRATION OFFICE<sup>1</sup>

Pursuant to Article 100 of the Constitution and Article 56 of Law No. 7843, dated 13.7.1994 "On the Registration of Immovable Property", as amended, upon the proposal of the Deputy Prime Minister, the Council of Ministers

### INSTRUCTS:

1. The registration of the acquisition or the transfer of the ownership title over the immovable property recognized or acquired by law, court decision or administrative act is done by the immovable properties registration offices (IPRO) pursuant to Articles 37 and 38 of Law No. 7843, dated 13.7.1994 "On Immovable Property Registration", as amended, after the full verification of the elements of the form and content of the relevant act, which recognizes or contains the acquisition of the right to property, of the fulfilment of the conditions of registration set forth in Article 193 of the Civil Code of the Republic of Albania.

In addition to the exceptions established by law, immovable property registration offices proceed with in immovable property registration only when they derive from ownership titles of the alienating party / seller or its last owner, previously registered in the register.

Any action in the register, which has the effect of altering the legal status of an immovable property, is made when the act or the court decision that ascertains it is previously registered in the immovable property register.

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<sup>1</sup> Instruction no 1, dated 31/01/2007, 'On the registration procedures with the immovable properties registration offices' shall be repealed by Instruction no 2, dated 12/09/2012 'On determining the elements of acts being verified by the immovable properties registration office and the procedures for the issue of the order of the registrar', par 12.

2. In order to verify the elements of the form and content of judicial decisions, the employees of IPRO, who process the individual registration requests, proceed by verifying, according to Annex 1 of this Instruction:

- a) if the court decision has become final in accordance with Article 451 of the Code of Civil Procedure.
- b) Judicial decisions, data on the lawsuit attachment, as well as those for the temporary execution are registered even though they have not become final because they do not cause the acquisition or transfer of the right of ownership.
- c) if at least one of the parties to the dispute (or the bequeather of the litigant, pursuant to Articles 165 and 316 of the Civil Procedure Code) appears in the immovable property registers administered by the IPRO, the owner of the property, upon which the court has disposed of by a decision (Articles 18 and 90 of the Code of Civil Procedure).
- d) If the property on which the court has disposed of, according to the decision, is appearing as state property or on behalf of a public institution or entity, it is proceeded by verifying whether that institution or public entity that has had the property right over the property has been a party to the trial (Articles 18 and 90 of the Code of Civil Procedure) as well as the State Advocacy (Article 79 / a of the Code of Civil Procedure, letter "a" of point 1 of Article 1 of Law No. 8551, dated 18.11.1999 "On State Advocacy").
- e) if during the trials contesting the decision of the Commission for Restitution and Compensation of Property / State Committee for Restitution and Compensation of Property / Local Property Restitution and Compensation Commissions or the Property Restitution and Compensation Agency, the owner has been summoned as a litigant in trial (or his heirs), on whose behalf the property registered in the immovable property register (Articles 18 and 90 of the Code of Civil Procedure) appears.
- f) If the property is a state-owned property or on behalf of an institution or public entity, it is proceeded with the verification whether the institution or public entity that owns the property and the State Advocate have been a party to the trial.
- ç) if in the trial, surrounding the objection of the procedures or contract of sale of public / state assets, carried out by the National Privatization Agency / Directorate of Administration and Sale of Public Property in the Ministry of Finance, the interested institution or public entity which have the right of ownership over immovable property, and / or the State Advocate, have been summoned as a party to the trial,
- g) d) if, in the ordering provisions of the decision, property data, as immovable property, are complete and permit registration of the decision.

3. For the verification of elements of the form and content of the notarial acts, the employees of the IPRO, who process the individual registration requirements, proceed by verifying, according to Annex 2 of this Instruction:

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- a) the elements of the form, in accordance with Law No. 7829, dated 1 June 1994 "On Notary", as amended, and, as appropriate, by relevant laws and by-laws;
- b) the authenticity of the existing immovable property registration, as the scope of the application for registration, on behalf of the alienating party, mentioned in the notarial act;
- c) if in the notarial act, the data on property, as immovable property, are complete and permit its registration.

4. When an act that recognizes or contains the acquisition of a right of ownership is an administrative act, employees of IPRO processing their individual registration applications proceed by verifying, according to Annex 3 of this Instruction:

- a) the elements of the form, in accordance with the definitions in Part VI of the Code of Administrative Procedures, and the relevant laws or subordinate legal acts that regulate their regime;
- b) the existence of possible existing immovable property registration that is the scope of a request for registration in favor of other natural or legal persons other than the parties defined in the administrative act, which have not been party to the administrative proceedings;
- c) if in the administrative act, the data on property, as immovable property, are complete and permit its registration.

5. Registration applications are rejected in the following cases:

- a) When the court decision has not become final in accordance with letters "a", "b" and "ç" of Article 510 of the Code of Civil Procedure;
  - b) when, pursuant to the last paragraph of Article 193 of the Civil Code, the court, in issuing the decision, is recoured to upon request or a claim is filed with it and it results, according to the decision, that it was recoured to upon request, except the cases of opening the inheritance;
  - c) When in the ordering part of the court decision, it is determined that the legal ownership over the property is established, according to article 388 of the Code of Civil Procedure, except for cases before the date of entry into force of the Code of Civil Procedure (1 November 1994), unless it overlaps with other titles;
  - ç) When, pursuant to Article 451 / a of the Code of Civil Procedure, the litigant does not appear to be the owner of the property, according to letter "b" of point 2 of this Instruction;
  - d) When pursuant to Article 451 / a of the Code of Civil Procedure, the public institution / body and / or the State Advocate have not been summoned as a party to the trial under the second paragraph of letter "b" of point 2 of this Instruction, except when the decision was made before the entry into force of Law No. 8551, dated 18.11.1999 "On State Advocacy";
  - dh) When, pursuant to Article 451 / a of the Code of Civil Procedure, the owner has not been summoned as a litigant pursuant to letter "c" of point 2 of this Instruction or when the institution or public body and the State Advocate have not been summoned as a party to the trial, according to the second paragraph of letter "c" of point 2 of this instruction, except when the decision was given before the entry into force of law no. 8551, dated 18.11.1999 "On state advocacy";
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- e) When, pursuant to Article 451 / a of the Code of Civil Procedure, the persons mentioned in letter "ç" of point 2 of this Instruction have not been summoned as a party to the trial;
- ë) When, property data are incomplete and do not specify, at least, the boundaries and geographic position of immovable property (property location / registration number in mortgage or cadastral records of property, property boundaries and / or surfaces), according to par 2 letter "d", 3 letter "c" and 4 letter "c" of this instruction;
- f) When in notarial acts:
  - i) the formal elements, as per Annex 2 of this Instruction, are not met;
  - ii) the alienator does not appear to be the owner of the property in question in the immovable property registers administered by the IPRO.
- g) When in administrative acts:
  - i) the legal deadlines for appeal, administrative and judicial, have not been completed;
  - ii) the form elements, as per Annex 3 of this Instruction, are not met;
  - iii) there are registrations of ownership over the immovable properties in favour of other natural or legal persons, according to letter b of point 4 of this Instruction.
- gj) When, pursuant to Article 9 of Law No. 7843, dated 13.7.1994 "On Immovable Property Registration", as amended, the documents submitted for registration, although valid, create overlapping, with a previously registered property.

6. For verifying the elements of the form and content of judicial decisions, notarial acts or administrative acts, employees of IPRO, processing individual registration requests, complete the verification form, according to the model given in appendices 1, 2 or 3, attached to this Instruction, for each application for registration. The verification form shall, in each case, reflect the findings of the IPRO employee for each of the verification cases as set out in points 2, 3 and 4 of this Instruction. At the end of the form, the IPRO employee completes, in writing, clearly legible and without correction, the proposal to accept or not the application for registration, is signed and passed to the IPRO head.

7. When, based on point 6 of this Instruction, it is proposed to accept the request, then the application is registered and the applicant is provided with the documentation, which certifies the registration according to the procedures and deadlines in force.

8. Where, pursuant to paragraphs 5 and 6 of this Instruction, the rejection of the application for registration is proposed, the full file of proceedings, together with the text of the rejection proposal, according to Annex 5 to this Instruction, shall be passed by the Registrar-in-chief. The order must contain the reference for the reason for the refusal, in accordance with the specific letter of point 5 of this Instruction. Upon the approval of the order, the applicant shall be provided with a unique copy of the file's documentation and the instruction on the right, instances, deadlines for filing, and orientation in each case for the correct manner of fulfilling the grounds for refusal.

9. When deciding to reject the application for registration based on letters "d", "dh" or "ë" of point 5 of this Instruction, the local IPRO head of department is obliged to send a full copy of the file, with a cover letter, to the institution or public entity (when this is identified) and State Advocacy. Copies of the protocol documents addressed to the institution or public entity and the State Advocacy are attached to the file of the practice.

10. Any other sub-legal act that contravenes this instruction is abrogated.

11. The Minister of Justice, the Central Immovable Property Registration Office and the local immovable property registration offices are tasked with the implementation of this decision.

This instruction shall enter into effect following its publication in the Official Journal.

**PREMIER**  
**Sali Berisha**

Annex 1

**REQUEST**

No \_\_\_\_\_

**FOR REGISTRATION**

**ISSUE OF CERTIFICATE**

**COPY**

(PROPERTY RECOGNISED OR ACQUIRED BY JUDICIAL DECISION)

*No stamped in advance*

IMMOVABLE PROPERTY REGISTRATION OFFICE

**1. REQUESTER** *(The requester fills in points 1 – 5 of the form)*

NAME, FATHER'S NAME, SURNAME

SIGNATURE

ADDRESS *(to be specified with the reference buildings, facilities bars)*

ALTERNATIVE ADDRESS

Identification document

Tel/fax/e-mail:

No

dated \_\_/\_\_/\_\_

alternative Tel/fax/e-mail or mobile

**2. SUBJECT MATER OF THE REQUEST**

**3. INFORMATION ON THE PROPERTY FROM THE CARD** *(to be filled out, as appropriate, by the requester or IPRO)*

No CZ

No property

Volume

Page

Address of the property

**4. Documents attached to the request** *(Documents are denominated by numbers one after the other making use of the following data. Copies of the documents have to mentioned and numbered separately. If originals and a certified copy are handed over, it means, as a rule, that the original shall be returned. If no certified copy is handed over, the original shall be retained and maybe damaged in the course of use.*

**ATTACH THE ANNEX 1/1 WITH THE FULL LIST, DATE AND SIGNATURE IF SPACE IS MISSING.**

No	Type of act (judicial decision, other acts)	No of act	Date of act	Issuing institution
1				
2				
3				
4				

**5. Natural or legal person to be entered into the Register** *(give out the full name (name, father's name, surname). In the event of a private legal entity, give the type (sha, shpk etc) number and date of register, NIPT number and the territory for a foreign legal entity)*



**10. VERIFICATIONS OF JUDICIAL DECISION** (Place X in the respective box)

No	RUBRICS	EVALUATION	
10.1	Judicial decision has become final according to 451 of CPC YES NO		
10.2	Judicial decision is a decision for lawsuit attachment under Articles 202 and the following of CPC		
10.3	Judicial decision is a decision for temporary enforcement under Articles 388-390 of CPC		
10.4	Judicial decision is a decision on the establishment of fact according to Articles 388 – 390 CPC		
10.5	The court has been recoured to upon request or lawsuit		
10.6	DECISION DETERMINES ACQUISITION OF PROPERTY UPON INHERITANCE		
	a) Decision is an inheritance certificate		
	b) Litigating party (or bequeather) in the above case is a private party and appears as an owner in the immovable property register		
	c) The private or public party appearing as an owner in the immovable properties register and / or State Advocate was summoned as a litigating party in proceedings under the law no 8551		
10.7	DECISION HAS AS SUBJECT MATTER CONTESTING THE DECISION OF THE COMMISSION OF RESTITUTION AND COMPENSATION OF PROPERTIES		
	a) Owner or his successors have been summoned as litigant parties if the property being requested to be registered is a private property		
	b) Public institution/entity owning the property being requested to be registered is summoned as litigant party in proceedings		
	c) State's Advocate has been summoned as litigant party in proceedings		
10.8	The geographical position of the property being requested to be registered is clearly stated in the ordering part of the decision		

**11. PROPOSAL OF EMPLOYEE** (to be filled out in clear writing, without overlapping or spaces in-between the lines.



Cooperating employees:

			/ /	
Name	Surname	Position	Date	Signature

			/ /	
Name	Surname	Position	Date	Signature

			/ /	
Name	Surname	Position	Date	Signature

**12. DECISION OF REGISTRAR**

No \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Request ADMITTED  
Request registered with  
No  
Date

Request REJECTED  
**File passed on to Registrar in Chief**

I CERTIFY THAT I HAVE VERIFIED THE REGISTRATION / ISSUE OF CERTIFICATE AS APPROPRIATE AND IN ACCORDANCE WITH THE LAW

REGISTRAR (or authorised person)  
*(signature and seal)*

Date ...../...../.....

Annex 2

**REQUEST**

No \_\_\_\_\_

**FOR REGISTRATION**

**ISSUE OF CERTIFICATE**

**COPY**

(PROPERTY RECOGNISED OR ACQUIRED BY JUDICIAL DECISION)

*No stamped in advance*

IMMOVABLE PROPERTY REGISTRATION OFFICE

**1. REQUESTER** *(The requester fills in points 1 – 5 of the form)*

NAME, FATHER'S NAME, SURNAME

SIGNATURE

ADDRESS *(to be specified with the reference buildings, facilities bars)*

ALTERNATIVE ADDRESS

Identification document

Tel/fax/e-mail:

No

dated \_\_\_/\_\_\_/\_\_\_

alternative Tel/fax/e-mail or mobile

**2. SUBJECT MATER OF THE REQUEST**

**3. INFORMATION ON THE PROPERTY FROM THE CARD** (to be filled out, as appropriate, by the requester or IPRO)

No CZ

No property

Volume

Page

Address of the property

**4. Documents attached to the request** *(Documents are denominated by numbers one after the other making use of the following data. Copies of the documents have to mentioned and numbered separately. If originals and a certified copy are handed over, it means, as a rule, that the original shall be returned. If no certified copy is handed over, the original shall be retained and maybe damaged in the course of use. ATTACH THE ANNEX 1/1 WITH THE FULL LIST, DATE AND SIGNATURE IF SPACE IS MISSING.*

No	Type of act (judicial decision, other acts)	No of act	Date of act	Issuing institution
1				
2				
3				
4				

**5. Natural or legal person to be entered into the Register** *(give out the full name (name, father's name, surname). In the event of a private legal entity, give the type (sha, shpk etc) number and date of register, NIPT number and the territory for a foreign legal entity)*

**6. ADMITTING EMPLOYEE** Date of admission (d) (m) (y) (time)

(Date and time of admission and seal of IPRO shall be marked in 3 copies of the form, one of which shall be returned to the requester as a filing evidence)

Name Surname signature Seal

**Position:** \_\_\_\_\_

I CERTIFY THAT THE DOCUMENTS BEING PRODUCED FOR REGISTRATION ARE CORRECT AND LEGALLY ADMISSIBLE AND THEY WERE TAKEN OVER.

**7. PAYMENT FOR REGISTRATION**

TYPE OF SERVICE	FEE	DATE OF DOC	DATE OF SUBMISSION WITH IPRO	NR OF DAYS IN DEFAULT	FINE IN DAYS	TOTAL FINE	TAX	TOTAL PAYMENT

Fee + Fine + Tax

**8. PAYMENT FOR THE CERTIFICATE / COPY OF DOCUMENTS**

CERTIFICATE / COPY	NO	FEE	TOTAL

**GRANT TOTAL**

Seal and signature of cashier

**9. TRANSACTIONS WITH IPRO**

Verification act Date	Transactions in Indicative map Date	Transactions with KPP Date	Placing reg no No	Entering into computer Date	Manual Registration Date
Entry Outgoing	Entry Outgoing	Entry Outgoing	Date	Date	Date
Signature	Signature	Signature	Signature	Signature	Signature

**10. VERIFICATIONS OF JUDICIAL DECISION** (Place X in the respective box)

10.1	The act contains the day, month and year of editing and type of act		
10.2	The act contains the venue of editing, number of repertoire and collection, name and surname of notary and location of the notary office		
10.3	The act contains the name, surname, name of father, date of birth, profession and residence of parties, denomination and centre, as long as it is about a legal entity; name father's name and surname of their representative and of any other person in the act, as well as the verification made by the notary for the identity of the parties, legal capacity and capacity to act.		
10.4	The act contains the declarations, so parties and the acts submitted by them, and the location and the boundaries of the immovable properties.		
10.5	The act was signed regularly by the parties (or with authorisation) and by the participants to the act in the presence of the notary, writing down their name and surname in full.		
10.6	The act contains the signature of the notary, his own seals and the tax stamp.		
10.7	The act does not contain deletion of works or sentences and neither signs, unless they have been put in brackets, the deleted number has been mentioned and the notary and parties have signed alongside.		
10.8	The act contains the number of pages, binding and sealing by the notary.		
10.9	The act is original and any other act administered before the notary has been certified by him to be the same as the original		
10.10	The immovable property being the subject matter for registration appears in the IPRO registers on behalf of the alienator mentioned in the notary act		
10.11	The data surrounding the property being immovable property define clearly the geographic positioning of the property being requested to be registered.		

**11. PROPOSAL OF EMPLOYEE** (to be filled out in clear writing, without overlapping or spaces in-between the lines.

Cooperating employees:

\_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

\_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

\_\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

**12. DECISION OF REGISTRAR**

No \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Request ADMITTED  
Request registered with  
No  
Date

Request REJECTED  
**File passed on to Registrar in Chief**

I CERTIFY THAT I HAVE VERIFIED THE REGISTRATION / ISSUE OF CERTIFICATE AS APPROPRIATE AND IN ACCORDANCE WITH THE LAW

REGISTRAR (or authorised person)  
*(signature and seal)*

Date ...../...../.....

Annex 3

**REQUEST**

No \_\_\_\_\_

**FOR REGISTRATION**

**ISSUE OF CERTIFICATE**

**COPY**

(PROPERTY RECOGNISED OR ACQUIRED BY JUDICIAL DECISION)

*No stamped in advance*

IMMOVABLE PROPERTY REGISTRATION OFFICE

**1. REQUESTER** *(The requester fills in points 1 – 5 of the form)*

NAME, FATHER'S NAME, SURNAME

SIGNATURE

ADDRESS *(to be specified with the reference buildings, facilities bars)*

ALTERNATIVE ADDRESS

Identification document

Tel/fax/e-mail:

No

dated \_\_\_/\_\_\_/\_\_\_

alternative Tel/fax/e-mail or mobile

**2. SUBJECT MATER OF THE REQUEST**

**3. INFORMATION ON THE PROPERTY FROM THE CARD** (to be filled out, as appropriate, by the requester or IPRO)

No CZ

No property

Volume

Page

Address of the property

**4. Documents attached to the request** *(Documents are denominated by numbers one after the other making use of the following data. Copies of the documents have to mentioned and numbered separately. If originals and a certified copy are handed over, it means, as a rule, that the original shall be returned. If no certified copy is handed over, the original shall be retained and maybe damaged in the course of use. ATTACH THE ANNEX 1/1 WITH THE FULL LIST, DATE AND SIGNATURE IF SPACE IS MISSING.*

No	Type of act (judicial decision, other acts)	No of act	Date of act	Issuing institution
1				
2				
3				
4				

**5. Natural or legal person to be entered into the Register** *(give out the full name (name, father's name, surname). In the event of a private legal entity, give the type (sha, shpk etc) number and date of register, NIPT number and the territory for a foreign legal entity)*

**6. ADMITTING EMPLOYEE** Date of admission (d) (m) (y) (time)

*(Date and time of admission and seal of IPRO shall be marked in 3 copies of the form, one of which shall be returned to the requester as a filing evidence)*

Name Surname signature Seal

**Position:** \_\_\_\_\_

I CERTIFY THAT THE DOCUMENTS BEING PRODUCED FOR REGISTRATION ARE CORRECT AND LEGALLY ADMISSIBLE AND THEY WERE TAKEN OVER.

**7. PAYMENT FOR REGISTRATION**

TYPE OF SERVICE	FEE	DATE OF DOC	DATE OF SUBMISSION WITH IPRO	NR OF DAYS IN DEFAULT	FINE IN DAYS	TOTAL FINE	TAX	TOTAL PAYMENT

Fee + Fine + Tax

**8. PAYMENT FOR THE CERTIFICATE / COPY OF DOCUMENTS**

CERTIFICATE / COPY	NO	FEE	TOTAL

**GRANT TOTAL**

Seal and signature of cashier

**9. TRANSACTIONS WITH IPRO**

Verification act Date	Transactions in Indicative map Date	Transactions with KPP Date	Placing reg no No	Entering into computer Date	Manual Registration Date
Entry Outgoing	Entry Outgoing	Entry Outgoing	Date	Date	Date
Signature	Signature	Signature	Signature	Signature	Signature

**10. VERIFICATIONS OF ADMINISTRATIVE ACT (Place X in the respective box)**

10.1	The act contains the issuing authority and any delegation of the powers connected to the issue of the act		
10.2	The act contains the identification of the parties, addressed to by the act.		
10.3	The act contains the explanation of the facts being the cause for its issue		
10.4	Thea act contains the legal basis whereon it relies		
10.5	The act contains the date of entry into effect of the act		
10.6	The act contains the signature of the employee of the issuing body or of the head of the collegial body and the respective seal of the institution		
10.7	The act does not contain any causes of absolute or relative invalidity of the act in compliance with the Articles 115 and 119 of the Administrative Procedure Code		
10.8	The legal timing regarding the administrative or judicial remedies against the act has not expired		
10.9	Ownership over the property being immovable property appears registered on behalf of another (natural or legal) person not having been party to administrative proceedings		
10.10	Data on the property, being immovable property, are comprehensive and they clearly determine the geographic position of the property requested to be registered		

**11. PROPOSAL OF EMPLOYEE** (to be filled out in clear writing, without overlapping or spaces in-between the lines.



Cooperating employees:

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

**12. DECISION OF REGISTRAR**

No \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Request ADMITTED  
Request registered with  
No  
Date

Request REJECTED  
**File passed on to Registrar in Chief**

I CERTIFY THAT I HAVE VERIFIED THE REGISTRATION / ISSUE OF CERTIFICATE AS APPROPRIATE AND IN ACCORDANCE WITH THE LAW

REGISTRAR (or authorised person)  
*(signature and seal)*

Date ...../...../.....



ANNEX 5

**REPUBLIC OF ALBANIA**  
**MINISTRY OF JUSTICE**  
**CENTRAL IMMOVABLE PROPERTY REGISTRATION OFFICE**

Address: \_\_\_\_\_ Tel. \_\_\_\_\_ Fax. \_\_\_\_\_

*(Draft)*

**ORDER**

No \_\_\_\_\_, Dated \_\_\_\_\_

In reliance on the law no 8743, dated 13/07/1994 'On the registration of the immovable properties', as amended, law no 8485, dated 12/05/1999 'Code of Administrative Procedures', as amended, and Articles 18, 90 and 451/a of the Civil Procedure Code, after getting acquainted with the request of Mr

\_\_\_\_\_  
With its subject matter: **Registration of** \_\_\_\_\_  
No \_\_\_\_, dated \_\_\_\_\_, I

**FOUND OUT:**

That \_\_\_\_\_  
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**DUE TO THESE REASONS:**

Based on the Instruction no \_\_\_\_, dated \_\_\_\_, of the Council fo Ministers, its par \_\_\_\_ 5 and 6, I

**ORDER:**

1. Rejecting the request for the registration of the (Act ) \_\_\_\_\_  
\_\_\_\_\_ No \_\_\_\_\_, dated \_\_\_\_\_
2. A counterpart of this act and a certified copy of the file to be sent to the requester.
3. A counterpart of this act to be sent to the institution/public entity and/or State Advocate.
4. the requester may file a remedy against this order before the court within 30 days of the day of the communication. The requester is guided to include into his complaint, inter alia:

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This order enters into effect immediately.

REGISTRAR

Name                      Surname

**INSTRUCTION**

**No 2, Dated 12.9.2012**

**ON DETERMINING THE ELEMENTS OF ACTS BEING VERIFIED BY THE IMMOVABLE PROPERTIES  
REGISTRATION OFFICE AND PROCEDURE FOR ISSUING THE ORDER OF THE REGISTER.**

Pursuant to Article 100 of the Constitution and Articles 42, 44, par 5 and 45, par 5 of the law no 33/2012, dated 21/03/2012 "On the Registration of Immovable Property", upon the proposal of the Minister of Justice, the Council of Ministers

**INSTRUCTS:**

1. The purpose of this Instruction is to establish detailed rules for the registration of sales contracts for immovable properties, registration of immovable property, acquired by adverse possession, as well as the registration of the transfer of ownership by law, by a court decision or an administrative act.

2. The registration of the acquisition or the transfer of the ownership title over the immovable property recognized or acquired by law, court decision or administrative act is pursuant to Articles 44 and 45 of the Law no 33/12, dated 21/03/2012, "On Immovable Property Registration", as amended, is made by the immovable properties registration offices after the full verification of the elements of the form and content of the relevant act, which recognizes or contains the acquisition of the right to ownership, of the fulfilment of the conditions of registration set forth in Article 193 of the Civil Code of the Republic of Albania.

In addition to the exceptions established by law, immovable property registration offices proceed with in immovable property registration only when they derive from ownership titles of its last owner, previously registered in the register.

Any action in the register, which has the effect of altering the legal status of an immovable property, is made when the act or the court decision that ascertains it is previously registered in the immovable property register.

3. In order to verify the elements of the form and content of judicial decisions, the employees of IPRO, who process the individual registration requests, proceed by verifying, according to Annex 1 of this Instruction:

a) if the court decision has become final in accordance with Article 451 of the Code of Civil Procedure.

Judicial decisions, data on the lawsuit attachment, as well as those for the temporary execution are registered even though they have not become final because they do not cause the acquisition or transfer of the right of ownership.

b) if at least one of the parties to the dispute (or the bequeather of the litigant, pursuant to Articles 165 and 316 of the Civil Procedure Code) appears in the immovable property registers administered by the IPRO, the owner of the property, upon which the court has disposed of by a decision (Articles 18 and 90 of the Code of Civil Procedure).

If the property on which the court has disposed of, according to the decision, is appearing as state property or on behalf of a public institution or entity, it is proceeded by verifying whether that institution or public entity that has had the property right over the property has been a party to the trial (Articles 18 and 90 of the Code of Civil Procedure) as well as the State Advocacy (Article 79 / a of the Code of Civil Procedure, letter "a" of point 1 of Article 1 of Law No. 8551, dated 18.11.1999 "On State Advocacy").

c) if during the trials contesting the decision of the Commission for Restitution and Compensation of Property / State Committee for Restitution and Compensation of Property / Local Property Restitution and Compensation Commissions or the Property Restitution and Compensation Agency, the owner has been summoned as a litigant in trial (or his heirs), on whose behalf the property registered in the immovable property register (Articles 18 and 90 of the Code of Civil Procedure) appears.

If the property is a state-owned property or on behalf of an institution or public entity, it is proceeded with the verification whether the institution or public entity that owns the property and the State Advocate have been a party to the trial.

ç) if in the trial, surrounding the objection of the procedures or contract of sale of public / state assets, carried out by the National Privatization Agency / Directorate of Administration and Sale of Public Property in the Ministry of Finance, the interested institution or public entity which have the right of ownership over immovable property, and / or the State Advocate, have been summoned as a party to the trial,

d) if, in the ordering provisions of the decision, property data, as immovable property, are complete and permit registration of the decision.

4. For the verification of elements of the form and content of the notarial acts, the employees of the IPRO, who process the individual registration requirements, proceed by verifying, according to Annex 2 of this Instruction:

a) the elements of the form, in accordance with Law No. 7829, dated 1 June 1994 "On Notary", as amended, and, as appropriate, by relevant laws and by-laws;

b) the authenticity of the existing immovable property registration, as the scope of the application for registration, on behalf of the alienating party, mentioned in the notarial act;

c) if in the notarial act, the data on property, as immovable property, are complete and permit its registration.

5. When an act that recognizes or contains the acquisition of a right of ownership is an administrative act, employees of IPRO processing their individual registration applications proceed by verifying, according to Annex 3 of this Instruction:

a) the elements of the form, in accordance with the definitions in Part VI of the Code of Administrative Procedures, and the relevant laws or subordinate legal acts that regulate their regime;

b) the existence of possible existing immovable property registration that is the scope of a request for registration in favor of other natural or legal persons other than the parties defined in the administrative act, which have not been party to the administrative proceedings;

c) if in the administrative act, the data on property, as immovable property, are complete and permit its registration.

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6. Registration applications are rejected in the following cases:

a) When the court decision has not become final in accordance with letters "a", "b" and "ç" of article 510 of the Code of Civil Procedure;

b) when, pursuant to the last paragraph of Article 193 of the Civil Code, according to the decision, that it was recoured to upon request, except the cases of opening the inheritance;

c) When in the ordering part of the court decision, it is determined that the legal ownership over the property is established, according to Article 388 of the Code of Civil Procedure, except for cases before the date of entry into force of the Code of Civil Procedure (1 November 1994), unless it overlaps with other titles;

ç) When the data on the property are incomplete and have not, at a minimum, the boundaries and geographic position of immovable properties (the location of the property / registration number in mortgage or cadastral records of property, property boundaries and / or surfaces), under points 3, letter "d", 4, letter "c", and 5, letter "c" of this Instruction;

d) When in the notarial acts the elements of the form are not fulfilled, according to Annex 2 of this Instruction;

g) When in administrative acts:

i) the legal deadlines for appeal, administrative and judicial, have not been completed;

ii) the form elements, as per Annex 3 of this Instruction, are not met;

iii) there are registrations of ownership over the immovable properties in favor of other natural or legal persons, according to letter b of point 4 of this Instruction.

e) When, pursuant to par 3 of Article 37 of Law No. 733/12, dated 21/03/2012 "On Immovable Property Registration", the documents submitted for registration create overlapping with a previously registered property.

7. When the subjects mentioned in letters "b" to "ç" of paragraph 3 of this Instruction have not been summoned as a party to the trial, the application for registration is suspended and for the immovable property, constitutes its scope, the registrar issues an order for the registration of restriction in the respective section of the immovable property card, according to Article 59 of the law No.33 / 2012, dated 21.3.2012 "On registration of immovable property". In this case, the Registrar shall take measures to notify such entities in accordance with the provisions of the aforementioned Law. At the end of the term of restriction on immovable property, the immovable property registration office continues to handle the application for registration.

8. For verifying the elements of the form and content of judicial decisions, notarial acts or administrative acts, employees of IPRO, processing individual registration requests, complete the verification form, according to the model given in appendices 1, 2 or 3, attached to this Instruction, for each application for registration. The verification form shall, in each case, reflect the findings of the IPRO employee for each of the verification cases as set out in points 3, 4 and 5 of this Instruction. At the end of the form, the IPRO employee completes, in writing, clearly legible and without correction, the proposal for accepting or not the registration request, sign and pass it to the IPRO head.

9. When, based on point 8 of this Instruction, it is proposed to accept the request, then the application is registered and the applicant is provided with the documentation, which certifies the registration according to the procedures and deadlines in force.

10. When, pursuant to paragraphs 6 and 7 of this Instruction, the rejection of the application or registration restriction is proposed, the full file of the practice, together with the text of the rejection order, shall be passed to the Registrar due to authority. Upon approval of the order, the applicant is provided with a unique copy of the file's documentation and guidance on the right, instances, deadlines for filing, and orientation in each case for the correct manner of meeting the grounds for refusal.

11. When deciding on the limitation of the application for registration, based on point 7 of this instruction, the head of local IPRO is obliged to send a full copy of the practice with a cover letter to the institution or public entity (when this is identified) and State Advocacy. Copies of the registered documents addressed to the institution or public entity and the State Advocate are attached to the file of the practice.

12. The Instruction No 1, dated 31.1.2007 of the Council of Ministers "On registration procedures in immovable properties registration offices", is abrogated.

13. The Minister of Justice, the Central Immovable Property Registration Office and the local immovable property registration offices are tasked with the implementation of this decision.

This instruction shall enter into effect following its publication in the Official Journal.

PREMIER  
**Sali Berisha**



Annex 1

**REQUEST**

No \_\_\_\_\_

**FOR REGISTRATION**

**ISSUE OF CERTIFICATE**

**COPY**

(PROPERTY RECOGNISED OR ACQUIRED BY JUDICIAL DECISION)

*No stamped in advance*

IMMOVABLE PROPERTY REGISTRATION OFFICE

**1. REQUESTER** *(The requester fills in points 1 – 5 of the form)*

NAME, FATHER'S NAME, SURNAME

SIGNATURE

ADDRESS *(to be specified with the reference buildings, facilities bars)*

ALTERNATIVE ADDRESS

Identification document

Tel/fax/e-mail:

No

dated \_\_\_/\_\_\_/\_\_\_

alternative Tel/fax/e-mail or mobile

**2. SUBJECT MATER OF THE REQUEST**

**3. INFORMATION ON THE PROPERTY FROM THE CARD** (to be filled out, as appropriate, by the requester or IPRO)

No CZ

No property

Volume

Page

Address of the property

**4. Documents attached to the request** *(Documents are denominated by numbers one after the other making use of the following data. Copies of the documents have to mentioned and numbered separately. If originals and a certified copy are handed over, it means, as a rule, that the original shall be returned. If no certified copy is handed over, the original shall be retained and maybe damaged in the course of use. ATTACH THE ANNEX 1/1 WITH THE FULL LIST, DATE AND SIGNATURE IF SPACE IS MISSING.*

No	Type of act (judicial decision, other acts)	No of act	Date of act	Issuing institution
1				
2				
3				
4				

**5. Natural or legal person to be entered into the Register** *(give out the full name (name, father's name, surname). In the event of a private legal entity, give the type (sha, shpk etc) number and date of register, NIPT number and the territory for a foreign legal entity)*

**6. ADMITTING EMPLOYEE** Date of admission (d) (m) (y) (time)  
(Date and time of admission and seal of IPRO shall be marked in 3 copies of the form, one of which shall be returned to the requester as a filing evidence)

Name Surname signature Seal

**Position:** \_\_\_\_\_

I CERTIFY THAT THE DOCUMENTS BEING PRODUCED FOR REGISTRATION ARE CORRECT AND LEGALLY ADMISSIBLE AND THEY WERE TAKEN OVER.

**7. PAYMENT FOR REGISTRATION**

TYPE OF SERVICE	FEE	DATE OF DOC	DATE OF SUBMISSION WITH IPRO	NR OF DAYS IN DEFAULT	FINE IN DAYS	TOTAL FINE	TAX	TOTAL PAYMENT

Fee + Fine + Tax

**8. PAYMENT FOR THE CERTIFICATE / COPY OF DOCUMENTS**

CERTIFICATE / COPY	NO	FEE	TOTAL

**GRANT TOTAL**

Seal and signature of cashier

**9. TRANSACTIONS WITH IPRO**

Verification act Date	Transactions in Indicative map Date	Transactions with KPP Date	Placing reg no No	Entering into computer Date	Manual Registration Date
Entry Outgoing	Entry Outgoing	Entry Outgoing	Date	Date	Date
Signature	Signature	Signature	Signature	Signature	Signature

**10. VERIFICATIONS OF JUDICIAL DECISION** (Place X in the respective box)

No	RUBRICS	EVALUATION	
10.1	Judicial decision has become final according to 451 of CPC YES NO		
10.2	Judicial decision is a decision for lawsuit attachment under Articles 202 and the following of CPC		
10.3	Judicial decision is a decision for temporary enforcement under Articles 388-390 of CPC		
10.4	Judicial decision is a decision on the establishment of fact according to Articles 388 – 390 CPC		
10.5	The court has been recoured to upon request or lawsuit		
10.6	DECISION DETERMINES ACQUISITION OF PROPERTY UPON INHERITANCE		
	a) Decision is an inheritance certificate		
	b) Litigating party (or bequeather) in the above case is a private party and appears as an owner in the immovable property register		
	c) The private or public party appearing as an owner in the immovable properties register and / or State Advocate was summoned as a litigating party in proceedings under the law no 8551		
10.7	DECISION HAS AS SUBJECT MATTER CONTESTING THE DECISION OF THE COMMISSION OF RESTITUTION AND COMPENSATION OF PROPERTIES		
	a) Owner or his successors have been summoned as litigant parties if the property being requested to be registered is a private property		
	b) Public institution/entity owning the property being requested to be registered is summoned as litigant party in proceedings		
	c) State's Advocate has been summoned as litigant party in proceedings		
10.8	The geographical position of the property being requested to be registered is clearly stated in the ordering part of the decision		

**11. PROPOSAL OF EMPLOYEE** (to be filled out in clear writing, without overlapping or spaces in-between the lines.

Cooperating employees:

/ /				
Name	Surname	Position	Date	Signature
/ /				
Name	Surname	Position	Date	Signature
/ /				
Name	Surname	Position	Date	Signature

**12. DECISION OF REGISTRAR**

No \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Request ADMITTED  
Request registered with  
No  
Date

Request REJECTED  
**File passed on to Registrar in Chief**

I CERTIFY THAT I HAVE VERIFIED THE REGISTRATION / ISSUE OF CERTIFICATE AS APPROPRIATE AND IN ACCORDANCE WITH THE LAW

REGISTRAR (or authorised person)  
*(signature and seal)*

Date ...../...../.....

Annex 2

**REQUEST**

No \_\_\_\_\_

**FOR REGISTRATION**

**ISSUE OF CERTIFICATE**

**COPY**

(PROPERTY RECOGNISED OR ACQUIRED BY JUDICIAL DECISION)

*No stamped in advance*

IMMOVABLE PROPERTY REGISTRATION OFFICE

**1. REQUESTER** *(The requester fills in points 1 – 5 of the form)*

NAME, FATHER'S NAME, SURNAME

SIGNATURE

ADDRESS *(to be specified with the reference buildings, facilities bars)*

ALTERNATIVE ADDRESS

Identification document

Tel/fax/e-mail:

No

dated \_\_\_/\_\_\_/\_\_\_

alternative Tel/fax/e-mail or mobile

**2. SUBJECT MATER OF THE REQUEST**

**3. INFORMATION ON THE PROPERTY FROM THE CARD** (to be filled out, as appropriate, by the requester or IPRO)

No CZ

No property

Volume

Page

Address of the property

**4. Documents attached to the request** *(Documents are denominated by numbers one after the other making use of the following data. Copies of the documents have to mentioned and numbered separately. If originals and a certified copy are handed over, it means, as a rule, that the original shall be returned. If no certified copy is handed over, the original shall be retained and maybe damaged in the course of use. ATTACH THE ANNEX 1/1 WITH THE FULL LIST, DATE AND SIGNATURE IF SPACE IS MISSING.*

No	Type of act (judicial decision, other acts)	No of act	Date of act	Issuing institution
1				
2				
3				
4				

**5. Natural or legal person to be entered into the Register** *(give out the full name (name, father's name, surname). In the event of a private legal entity, give the type (sha, shpk etc) number and date of register, NIPT number and the territory for a foreign legal entity)*



**10. VERIFICATIONS OF JUDICIAL DECISION** (Place X in the respective box)

10.1	The act contains the day, month and year of editing and type of act		
10.2	The act contains the venue of editing, number of repertoire and collection, name and surname of notary and location of the notary office		
10.3	The act contains the name, surname, name of father, date of birth, profession and residence of parties, denomination and centre, as long as it is about a legal entity; name father's name and surname of their representative and of any other person in the act, as well as the verification made by the notary for the identity of the parties, legal capacity and capacity to act.		
10.4	The act contains the declarations, so parties and the acts submitted by them, and the location and the boundaries of the immovable properties.		
10.5	The act was signed regularly by the parties (or with authorisation) and by the participants to the act in the presence o the notary, writing down their name and surname in full.		
10.6	The act contains the signature of the notary, his own seals and the tax stamp.		
10.7	The act does not contain deletion of works or sentences and neither signs, unless they have been put in brackets, the deleted number has been mentioned and the notary and parties have signed alongside.		
10.8	The act contains the number of pages, binding and sealing by the notary.		
10.9	The act is original, and any other act administered before the notary has been certified by him to be the same as the original		
10.10	The immovable property being the subject matter for registration appears in the IPRO registers on behalf of the alienator mentioned in the notary act		
10.11	The data surrounding the property being immovable property define clearly the geographic positioning of the property being requested to be registered.		

**11. PROPOSAL OF EMPLOYEE** (to be filled out in clear writing, without overlapping or spaces in-between the lines.

Cooperating employees:

			/	/	
Name	Surname	Position	Date		Signature
			/	/	
Name	Surname	Position	Date		Signature
			/	/	
Name	Surname	Position	Date		Signature

**12. DECISION OF REGISTRAR**

No \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Request ADMITTED  
Request registered with  
No  
Date

Request REJECTED  
**File passed on to Registrar in Chief**

I CERTIFY THAT I HAVE VERIFIED THE REGISTRATION / ISSUE OF CERTIFICATE AS APPROPRIATE AND IN ACCORDANCE WITH THE LAW

REGISTRAR (or authorised person)  
*(signature and seal)*

Date ...../...../.....



Annex 3

**REQUEST**

No \_\_\_\_\_

**FOR REGISTRATION**

**ISSUE OF CERTIFICATE**

**COPY**

(PROPERTY RECOGNISED OR ACQUIRED BY JUDICIAL DECISION)

*No stamped in advance*

IMMOVABLE PROPERTY REGISTRATION OFFICE

**1. REQUESTER** *(The requester fills in points 1 – 5 of the form)*

NAME, FATHER'S NAME, SURNAME

SIGNATURE

ADDRESS *(to be specified with the reference buildings, facilities bars)*

ALTERNATIVE ADDRESS

Identification document

Tel/fax/e-mail:

No

dated \_\_\_/\_\_\_/\_\_\_

alternative Tel/fax/e-mail or mobile

**2. SUBJECT MATER OF THE REQUEST**

**3. INFORMATION ON THE PROPERTY FROM THE CARD** (to be filled out, as appropriate, by the requester or IPRO)

No CZ

No property

Volume

Page

Address of the property

**4. Documents attached to the request** *(Documents are denominated by numbers one after the other making use of the following data. Copies of the documents have to mentioned and numbered separately. If originals and a certified copy are handed over, it means, as a rule, that the original shall be returned. If no certified copy is handed over, the original shall be retained and maybe damaged in the course of use. ATTACH THE ANNEX 1/1 WITH THE FULL LIST, DATE AND SIGNATURE IF SPACE IS MISSING.*

No	Type of act (judicial decision, other acts)	No of act	Date of act	Issuing institution
1				
2				
3				
4				

**5. Natural or legal person to be entered into the Register** *(give out the full name (name, father's name, surname). In the event of a private legal entity, give the type (sha, shpk etc) number and date of register, NIPT number and the territory for a foreign legal entity)*



**10. VERIFICATIONS OF ADMINISTRATIVE ACT** (Place X in the respective box)

10.1	The act contains the issuing authority and any delegation of the powers connected to the issue of the act		
10.2	The act contains the identification of the parties, addressed to by the act.		
10.3	The act contains the explanation of the facts being the cause for its issue		
10.4	Thea act contains the legal basis whereon it relies		
10.5	The act contains the date of entry into effect of the act		
10.6	The act contains the signature of the employee of the issuing body or of the head of the collegial body and the respective seal of the institution		
10.7	The act does not contain any causes of absolute or relative invalidity of the act in compliance with the Articles 115 and 119 of the Administrative Procedure Code		
10.8	The legal timing regarding the administrative or judicial remedies against the act has not expired		
10.9	Ownership over the property being immovable property appears registered on behalf of another (natural or legal) person not having been party to administrative proceedings		
10.10	Data on the property, being immovable property, are comprehensive and they clearly determine the geographic position of the property requested to be registered		

**11. PROPOSAL OF EMPLOYEE** (to be filled out in clear writing, without overlapping or spaces in-between the lines.

Cooperating employees:

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Name                      Surname                      Position                      Date                      Signature

**12. DECISION OF REGISTRAR**

No \_\_\_\_\_ Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

Request ADMITTED  
Request registered with  
No  
Date

Request REJECTED  
**File passed on to Registrar in Chief**

I CERTIFY THAT I HAVE VERIFIED THE REGISTRATION / ISSUE OF CERTIFICATE AS APPROPRIATE AND IN ACCORDANCE WITH THE LAW

REGISTRAR (or authorised person)  
*(signature and seal)*

Date ...../...../.....

