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DECISION

No. 337, dated 22.4.2015

ON THE DETERMINATION OF PROCEDURES FOR THE PERFORMANCE OF THE PROCESS OF TRANSFERRING THE AGRICULTURAL LAND OF FORMER AGRICULTURAL ENTERPRISES TO THE OWNERSHIP OF BENEFICIARIES

(Amended by Decision No. 814, dated 16.11.2016)

Pursuant to Article 100 of the Constitution and Article 7 of Law No. 171/2014, "On the completion of the process of transfer of the agricultural land of former agricultural enterprises to the ownership of beneficiaries", upon the proposal of the Minister of Agriculture, Rural Development and Water Administration, the Council of Ministers

DECIDED:

1. The chairperson of the local government unit¹, immediately after the entry into force of this decision:
 - a) displays in public places of the municipality and the administrative unit and publishes in the local government newspaper or in one of the daily local or national newspapers the public announcement of the submission of the documentation, according to points 2 and 3 of this decision, for all factual users of agricultural land of former agricultural enterprises, who are not provided with the act of acquiring agricultural land in ownership (AMTP), according to the provisions of Article 2 of Law no. 171/2014, "On the completion of the process of transferring agricultural land of former agricultural enterprises to the ownership of beneficiaries", if this

¹ According to Decision No. 814, dated 16.11.2016, throughout the decision, the denomination "local government unit" are substituted by "municipality".

notification has not been made before for the entire territory of the municipality or for separate administrative units;

- b) requests the local immovable property registration office (LIPRO) copies of the cadastral maps for the cadastral zones (village or town) that were the territory of the former agricultural enterprise under the territorial jurisdiction of that unit where agricultural families or individuals are beneficiary subjects of agricultural land, according to Article 2 of Law no. 171/2014, "On the completion of the process of transferring agricultural land of former agricultural enterprises to the ownership of beneficiaries", and use land for agricultural activities but lack in the completion of use or ownership documentation. The LIPRO sends cadastral maps to the commune/municipality within 15 (fifteen) days.

If LIPRO does not have the cadastral maps for which it is formally expressed within the stipulated term, then the chairperson of the local government unit requests from the Directorate of Land Administration and Protection (DAMT), at the District Council, the relevant cadastral maps according to which the division of agricultural land was realized. DAMT sends the cadastral maps to the local government unit within 15 (fifteen) days.

2. Actual users of agricultural land of former agricultural enterprises, who have not been provided with AMTP, not later than 3 months from the end of the legal term for completing the documentation of the ownership titles on the agricultural land, submit to the administrative unit, in the territorial jurisdiction of which is the agricultural land:

- a) a request for the provision with AMTP for the land that has been taken for use by land allocation commissions
- b) the alignment plan of each plot in use, prepared by a licensed entity, according to the requirements of the immovable property registration system, where the area, its boundaries and neighbours are reflected.
- c) a family certificate issued by the civil registry office of the local government unit, where the number of the beneficiary family members or the individual is reflected, in favor of which the act of acquiring the land will be issued, according to the situation on 1 August 1991, with amendments until 1 October 1992, who have not changed their place of residence since that date;
- ç) documentation certifying that they are beneficiaries, as a result of moving from their residential centers, with special decisions of the Council of Ministers;
- d) the act of acquiring agricultural land in use, if available.

3. Entities designated as co-founders of the former agricultural enterprise, according to decision no. 452, dated 17.10.1992, of the Council of Ministers, "On restructuring of agricultural enterprises", as amended, which have not been provided with AMTP for agricultural land that is in actual use no later than 3 months from the end of the legal term for completing the documentation of ownership titles on agricultural land, submit the following to the administrative unit in whose territorial jurisdiction the agricultural land is located:

- a) a request for provision with AMTP for the land they have taken in use from the land allocation commissions;
- b) cadastral, mortgage, archival or judicial documentation proving ownership over agricultural land or olive roots before agrarian reform and their being as founders of a former cooperative or former agricultural enterprise;
- c) the alignment plan of the plot/s that the entity uses for agricultural purposes, prepared by a licensed entity, according to the requirements of the immovable property registration system, where the area, its boundaries and frontiers are reflected;
- ç) a family tree certificate (family composition) at the time of handing over the agricultural land and any other document, in accordance with the definitions of decision no. 452, dated 17.10.1992, of the Council of Ministers, as amended;
- d) the act of obtaining agricultural land in use, if available.

4. The administration of the local government unit records, in a separate register, all the applications submitted by the actual users of the agricultural land of the former agricultural enterprises that have not been provided with AMTP.

5. The local government unit, on the basis of the documentation it possesses:

- a) controls whether an AMPT had been previously issued for other beneficiaries, individuals or agricultural families related to the parcels of agricultural land for which an application under point 2 or 3 of this decision had been submitted. In cases when this fact is proved, according to the definition of subdivision “iii”, letter “b” of Article 2 of Law No. 57/2012, the local government unit notifies the applicant, by letter, rejecting the request;
- b) verifies the beneficiary status of the agricultural land owned, according to the provisions of Article 2 of Law no. 171/2014. The chairperson of the local government unit sends a response for the rejection of the application to applicants who do not meet this condition;
- c) refuses to accept the application, in any case, when it is officially informed by the court that for the parcels of agricultural land, presented in the application, there is a judicial dispute.

6. Within 60 (sixty) days from the date of entry into force of this decision, the local government unit reveals in the cadastral maps the land parcels in actual use, according to the applications submitted, only for the users who fulfill the condition of the beneficiary subject under Article 2, of the Law No. 171/2014.

The Comprehensive Cadastral Map prepares two original copies, one of which remains in the archives of the commune/municipality archive and the other is officially forwarded to the headship of each village located in the territorial jurisdiction of the commune/municipality.

7. The local government unit publishes for public consultation, for 15 (fifteen) days, in public places of the village and the local government unit, the list of actual users of agricultural land, its location, area and boundaries for each plot.

During the publication period, any claimant as a user who does not find the name on the list submits a written complaint to the mayor of the commune/municipality, who, after review, makes the relevant corrections.

8. The headship of each village of the local government unit, after the publication of the list of users, verifies, in the presence of the senior representatives of each agricultural family, and makes the necessary corrections, based on the documentation submitted under points 2 and 3 of this decision. At the end of the 15-day term, the headship of the village, in a meeting with all actual users of agricultural land, communicates the results of the verifications made, evidencing the objections and claims presented.

9. The headship of each village after the completion of the procedures set forth in point 8 of this decision shall return the cadastral map and the comprehensive list to the local government unit within two (2) days, accompanied by all observations, opinions and suggestions that village leadership has for each of the actual users of agricultural land and the remarks that have been made during the public publication period. The documentation is returned to the administration of the local government unit in writing, signed by all members of the village headship, attending the meeting, and stamped with the seal of the elderman. Each signatory writes with his own hand the name, fatherhood and surname.

10. The local government unit shall, within 100 (one hundred) days from the date of entry into force of this decision, in consultation with all remarks, requests, opinions and suggestions submitted by the village headship or individuals concerned, for each of the actual users of the agricultural land, prepares the final report for users of agricultural land, accompanied by cartographic material, where actual users of agricultural land are reflected, its location, area and boundaries for each plot.

11. The local government unit sends formally the cartographic material and the comprehensive report prepared according to point 10 of this decision to the following institutions and requires:

- a) the immovable property registration office to determine the current state of ownership for all parcels of agricultural land, presented in the cartographic material;
- b) the ALUIZNI Regional Directorate, in the mapping material, the designation of parcel areas that have been approved or are in the process of approval for the transfer of the ownership right over the construction parcel of the illegal building, and those that have been exempted from legalization;
- c) the Property Restitution and Compensation Agency to determine, for all parcels of agricultural land, presented in the cartographic material, whether or not the subject to application, which is being examined, but no decision has yet been taken;
- ç) DAMT, at the District's Council, to determine, for all parcels of agricultural land, presented in the cartographic material, if they are:
 - i. approved, by a decision of the Council of Ministers, in the physical compensation fund and made available to the Agency for Restitution and Compensation of Property;

- ii. involved in the experimental-scientific activity of scientific-research institutions. For this information, the chairperson of the commune/municipality also addresses the Center for Transfer of Agricultural Technologies;
 - iii. in the use of joint enterprises. For this information, the chairperson of the local government unit addresses to the Regional Directorate of Agriculture as well.
- d) the Urban Planning Department, in the District Council, to determine, for all parcels of agricultural land, presented in cartographic material, whether or not contained within:
- i. the restrictive line of village or city construction, according to point 1, Article 2, Law no. 8053, dated 21.12.1995, “On transfer of ownership of agricultural land without compensation”, as amended;
 - ii. the restrictive line of the development zone with tourism priority, based on Decision No. 88, dated 1.3.1993, of the Council of Ministers, “On the approval of priority areas for tourism development”, as amended, in accordance with point 2 of Article 2 of Law no. 8053, dated 21.12.1995, as amended;
 - iii. areas of agricultural land that, by decision of the Council of Ministers or by decisions of the KRRTSH/KKT, are no longer such.
- dh) Drejtorisë the Regional Directorate of Agriculture and the Ministry of Agriculture, Rural Development and Water Administration shall determine, for all parcels of agricultural land, presented in the cartographic material if 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”, as well as by-laws implementing it, or which have been transferred to the administration of the Ministry of Agriculture, Rural Development and Water Administration, for lease destination, according to Decision No. 45, dated 29.1.2014, of the Council of Ministers, “On the transfer to the administration of the Ministry of Agriculture, Rural Development and Water Administration of the agricultural land fund of former agricultural enterprises and former research institutions of this ministry, currently available to the Agency for Restitution and Compensation of Property.”

12. The institutions specified in point 11 of this decision have the obligation to reply in writing to the local government unit no later than 30 (thirty) days from the date of receipt of the application. In any case of non-compliance with the above deadline, the district’s prefect notifies the responsible ministers covering the areas of activity of these institutions.

13. Within 10 (ten) days after receiving the responses from the institutions mentioned in point 11 of this decision, and based on the data of this documentation, the local government unit prepares and forwards the final report of the council of the local government unit² accompanied by:

- a) list of actual users of agricultural land;

² According to Decision No. 814, dated 16.11.2016, throughout the decision, the denominations “council of the local government unit” are substituted by the “municipal council”.

- b) the list of beneficiary subjects, which meet the legal requirements in order to be provided with AMTP;
- c) the total area of land, calculated for each beneficiary subject, according to the definitions of points 1 and 2 of Article 3 of Law No. 171/2014, also detailed according to parcels, and the boundaries and adjacent borders for each plot.

14. The municipal council, within 15 (fifteen) days, decides by a decision taken in accordance with point 4 of Article 55 of Law no. 139/2015, “On local self-governance”, the names of the actual users of agricultural land for each village in the municipality and the names of the beneficiary subjects that meet the legal requirements in order to be provided with AMTP, the location of land, area, boundaries and adjacent borders for each plot, associated with the cadastral map, as an integral part of it, and with a detailed report.

15. The chairperson of the local government unit, in every case, on his or her responsibility, shall send the reasoned opinion within five (5) days to the district’s prefect if he agrees or not with the decision of the council of the local government unit. The chairperson of the local government unit assesses whether in the list of the beneficiary subjects, approved by the council of the local government unit, there have been involved subjects that do not meet the requirements under the law or there have been excluded subjects that meet them. His opinion of the identified irregularities is accompanied by the evidence documentation.

16. The Prefect expresses the legal regularity of the decision of the council of the local government unit in accordance with point 2 of Article 14 of Law No. 8927, dated 25.07.2002, “On the Prefect”, after receiving the opinion of the Chairperson of the local government unit within the term set out in point 14 of this decision. In cases when the council of the local government unit has taken a decision in the period from 1 October 2013 until the date of the entry into force of Law No. 171/2014, “On the completion of the process of the transfer of agricultural land of former agricultural enterprises to the ownership of the beneficiaries”, the prefect of the district shall express the legal regularity of this decision, according to the definitions of Law No. 57/2012, “On the completion of the process of ownership transfer to agricultural land beneficiaries of former agricultural enterprises”.

17. The decision of the council of the local government unit after following the legal procedures for approval by the district’s prefect is immediately published in the public places of the local government unit and is officially forwarded 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:

- a) the Government Land Commission and its Technical Secretariat;
- b) the Local Commission for the Appraisal of Ownership Titles, at the district’s prefect;
- c) DAMT, at the District’s Council;
- ç) the Property Restitution and Compensation Agency.

18. The chairperson of the local government unit shall, within seven (7) days after the realization of legal procedures for the adoption of the decision of the council of the local government unit by the district's prefect, form the file of each beneficiary, which shall contain:

- a) a family certificate issued by the civil registry office of the local government unit reflecting the number of members of the beneficiary family or individual in favor of which AMTP will be issued, as per August 1, 1991, with the changes until 1 October 1992, who have not changed their place of residence since that date;
- b) documentation certifying that he is a beneficiary of agricultural land in ownership, as a result of moving from his residence, with special decisions of the Council of Ministers;
- c) cadastral, mortgage, archive or judicial documentation proving ownership over agricultural land prior to agrarian reform and certifying that it is a beneficiary of agricultural land in ownership as co-founder of former agricultural enterprise and a family certificate at the time of delivery of the agricultural land;
- ç) alignment plan of the plot/s that the beneficiary subject uses for agricultural purposes, with the signing of the chairperson of the local government unit and sealed with the stamp of the local government unit;
- d) written correspondence with the institutions, according to point 11 of this decision.

19. The chairperson of the local government unit completes the AMTP for the beneficiary subjects, as defined in the decision of the council of the local government unit, which has been confirmed in accordance with the law by the district's prefect.

20. AMTP is completed in 4 (four) original copies for each plot given in ownership. All co-owners and their share of joint ownership are written in this document.

21. AMTP is yellow in color and contains all the elements and form, according to attachment 1, attached to this decision. These acts are produced at the expense of the local government unit, according to the AMTP model, which is officially received at the Local Commission for the Appraisal of Ownership Titles, at the district's prefect. The local government unit is obliged to use only this model.

22. Each copy of the AMTP shall be accompanied, attached, with the plan of the parcel, prepared by a licensed subject, in accordance with the requirements of the immovable property registration system, reflecting the area, its boundaries and adjacent borders, and containing the signature and the seal of the chairperson of the local government unit.

23. The local government unit keeps a separate register for each village for the registration of AMTPs it issues, containing the names of the beneficiary subjects of the agricultural land, its location, area, boundaries and adjacent borders for each plot, according to attachment 2, attached to this decision. The registers are prepared by the local government units themselves. Each sheet (no page) has its ordinal number, which for each village always starts at

number 1. After the preparation, registers are sent to the district's prefect who signs and seals all the sheets together with the cover. The chairperson of the local government unit and the district's prefect keep minutes of how many registers and how many sheets were signed. The minutes are kept in two copies, one of which is stored at the local government unit and the other in the prefecture.

The register of each village, along with the summary map, where the data for all plots transferred to ownership are reflected, is archived.

24. The local government unit archives a copy of AMTP, accompanied by its alignment plan and relevant documentation, according to point 18 of this decision. The chairperson of the local government unit, within 10 (ten) days from the completion of AMTPs, according to the notification procedures, according to the Law No. 8485, dated 12.5.1999, "The Administrative Procedure Code of the Republic of Albania", sends, by letter, to the beneficiaries/representatives with the power of attorney of the beneficiaries, the AMTP, accompanied by the alignment plan, for each plot.

25. Any complaints for AMTPs by individuals or institutions when it is assessed that they have been established in violation of the law shall be submitted within 15 (fifteen) days to the Local Commission for the Appraisal of Ownership Titles (LC), at the district's prefect, notifying the chairperson of the local government unit. The LC makes a decision on the complaints and promptly notifies the complainant and the chairperson of the local government unit.

26. The chairperson of the local government unit, within five (5) days from the end of the term for complaints, sends, by letter, the AMTPs, accompanied by the alignment plans for each plot:

- a) the applicants/representatives with power of attorney of the beneficiaries;
- b) DAMT, at the district's council, for the identification of new ownership over agricultural land;
- c) The relevant LIPRO, to carry out the registration process in the public register of immovable properties.

27. The LIPRO, after verifying only the formal elements of the AMTPs submitted for registration, proceeds within 10 (ten) days, from the date of their receipt. When initial registration is not carried out by the IPRO itself, the latter, within 5 (five) days, issues the acts available to the contracted subjects to carry out the initial registration procedure, in accordance with the Law No. 33/2012, "On immovable property registration", and sub-legal acts for its implementation.

28. If, during formal verification, the LIPRO finds abusive or corrupt practices of local government bodies, immediately submits a criminal denunciation to the competent prosecutor's office.

29. The chairperson of the local government unit reports monthly about the performance of this process and, at its conclusion, to the prefect of the district.

30. The Ministry of Internal Affairs, the Ministry of Agriculture, Rural Development and Water Administration, the Ministry of Justice, the Governmental Land Commission, the local commissions for the appraisal of ownership titles, at prefectures, the National Agency for Restitution and Compensation

of Property, prefects, local government units, directorates for land management and protection, urban planning directorates, at district councils, local offices for immovable property registration, regional directorates of ALUIZNI and regional directorates of agriculture for the implementation of this decision.

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

PRIME MINISTER
Edi Rama





REPUBLIC OF ALBANIA

Attachment 1

COMMUNE _____ **COMMUNAL COUNCIL DECISION NO.** ____ **DATE** ____
MUNICIPALITY _____ **MUNICIPAL**

ACT NO. ____ **DATE** ____

VILLAGE _____

ACT OF ACQUIRING AGRICULTURAL LAND IN OWNERSHIP

Pursuant to Law No. 171/2014 "On the completion of legal procedures of transferring agricultural land of former agricultural enterprises to the ownership of beneficiaries", Messers.

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

are given in ownership, in equal parts, the property below:

Type of property: _____

Area of property: _____

Cadastral Zone: _____

Cadastral number according to the map of scale 1:5000 _____

Cadastral number according to the map of scale 1:2500 _____

Plot's denomination: _____

Limitations of the property: North: _____

South: _____

East: _____

West: _____

CHAIRPERSON OF THE COMMUNE/MUNICIPALITY

SEAL

Name, surname, signature

The act of Acquiring Agricultural Land in Ownership is valid along with the alignment plan of the plot. This act is made in four original copies, of which one is given to the beneficiary, one is archived at the commune/municipality, one is delivered to DAMT and one is sent for registration at LIPRO.

Name, surname and signature of the Prefect

Seal of the Prefecture



REPUBLIC OF ALBANIA

COMMUNE _____

MUNICIPALITY

VILLAGE _____

**REGISTER OF ACTS OF TAKING
AGRICULTURAL LAND IN OWNERSHIP**

Granted

Pursuant to Law No. 171.2014 “On the completion of legal procedures of transferring the agricultural land of former agricultural enterprises to the ownership of the beneficiaries” and the DCM No. ____ dated _____ “On the determination of procedures for the process of transfer of agricultural land of former agricultural enterprises to the ownership of beneficiaries”

Name, surname and signature of the Prefect

Seal of the Prefecture

Sheet 1

Act no. _____, dated _____ of Acquiring Agricultural Land in Ownership
The number of the act should comply with the number of the sheet in the register.

Owners

| | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Property Type of property: _____

Area of property: _____

Cadastral Zone: _____

Cadastral number according to the map of scale 1 : 5000 _____

Cadastral number according to the map of scale 1 : 2500 _____

Plot's denomination: _____

Limitations of the property: North: _____

South: _____

East: _____

West: _____

EMPLOYEE OF ZAMT

Name, surname, signature

EMPLOYEE OF ARCHIVES

Name, surname, signature

CHAIRPERSON OF THE COMMUNE/MUNICIPALITY

Name, surname, signature



Name, surname and signature of the Prefect

Seal of the Prefecture

Sheet 2

Act no. _____, dated _____ of Acquiring Agricultural Land in Ownership
The number of the act should comply with the number of the sheet in the register.

Owners

| | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Property Type of property: _____

Area of property: _____

Cadastral Zone: _____

Cadastral number according to the map of scale 1 : 5000 _____

Cadastral number according to the map of scale 1 : 2500 _____

Plot's denomination: _____

Limitations of the property: North: _____

South: _____

East: _____

West: _____

EMPLOYEE OF ZAMT

Name, surname, signature

EMPLOYEE OF ARCHIVES

Name, surname, signature

CHAIRPERSON OF THE COMMUNE/MUNICIPALITY

Name, surname, signature

Name, surname and signature of the Prefect

Seal of the Prefecture

Sheet 3

Act no. _____, dated _____ of Acquiring Agricultural Land in Ownership
The number of the act should comply with the number of the sheet in the register.

Owners

| | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Property Type of property: _____

Area of property: _____

Cadastral Zone: _____

Cadastral number according to the map of scale 1 : 5000 _____

Cadastral number according to the map of scale 1 : 2500 _____

Plot's denomination: _____

Limitations of the property: North: _____

South: _____

East: _____

West: _____

EMPLOYEE OF ZAMT

Name, surname, signature

EMPLOYEE OF ARCHIVES

Name, surname, signature

CHAIRPERSON OF THE COMMUNE/MUNICIPALITY

Name, surname, signature
