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LAW

No. 8743, dated 22.2.2001

ON STATE IMMOVABLE PROPERTY

Pursuant to Articles 41, 78, 83, points 1 and 113 of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

This law determines the juridical framework for the types of state immovable properties and the responsibilities for their administration.

Article 2 Definitions

For the purpose of this law, the following definitions shall have these meanings:

- a) "State Immovable Property" means the immovable property of the central government and local government units.
- b) "Public Immovable Property" means that part of the state immovable property that fulfills fundamental and undivided state functions and brings benefits in favor of the public.

c) "State immovable property inventory" means the document where all state immovable properties are registered during the process of their identification and transfer. Hereinafter, it shall be referred to as the "Inventory".

CHAPTER II

DETERMINATION OF STATE PROPERTIES

Article 3

Public property

1. The following properties belong to the state and are part of public immovable property:
 - a) Coastal line for entering the land, territorial waters, beds and banks of rivers, streams and other water flows, lakes, natural or artificial reservoirs, islands and accumulations of sand, rocks and soils in the beds of rivers, lakes and reservoirs, as determined by laws in force.
 - b) Historical, archeological and cultural areas, and parks of national or local importance.
 - c) Areas, installations and other objects destined for purposes of national protection, order and public security.
 - ç) Natural resources and mineral reserves and aggregates, as determined in the legislation in force.
2. Forests, pastures and meadows shall also be considered as public immovable property, if they belong to the state, and any other immovable property built on them, which directly serves to their protection and development.
3. Tangible (or incorporated) assets shall also be considered public immovable property, if they belong to the state, and they serve for providing public services, such as:
 - roads and bridges, railways and ancillary systems related to them;
 - aeroportual infrastructure;
 - systems of energy production and distribution;
 - systems of telecommunication and post service;
 - systems of potable water supply, and sewage water discharge in residential centers;
 - constructions with a known historical, archeological and cultural interests;
 - parks, flower-gardens, public squares in cities and residential centers, buildings along with gardens, which are used for services provided by the state for education, science, culture and sports, for health and social services, for central and local institutions, and governmental residences, including the land where such properties are built.
4. Public immovable properties may be alienated or given in use according to the manners and limits determined by special laws.

Article 4

Non-public immovable properties of the state

1. State immovable properties, that are not public property, such as agriculture land, building sites, buildings, tangible assets of enterprises under state administration, and other properties of this type, if not subject to particular legal provisions, have a legal regimen equal to private property and are subject to the rules provided in the Civil Code.
2. The change of status of a state immovable property from public to non-public is made according to the procedures determined by law.

Article 5

Subsequent acquisition of immovable property ownership

After the entry into force of this law, the state may acquire ownership rights on immovable properties in different ways, such as: donations, expropriations, purchases, inheritance or other means of acquiring ownership rights according to the laws in force.

Article 6

Immovable property registration

1. All state immovable properties are registered in the Immovable Property Register in conformity with Law No. 7843, dated 13.7.1994 "On immovable property registration".
2. The registration of immovable property is respectively made by:
 - a) the Council of Ministers for the properties under central government, which are registered with the Republic of Albania as the owner;
 - b) the Council of the local government unit for the immovable properties under its ownership, which are registered with the respective local government unit as the owner.

Article 7

Registration of conditions and restrictions, their removal or change

1. The Immovable Property Register, for state public properties, shall also contain the following:
 - a) public benefit coming from a property or the fundamental function that a public immovable property fulfills in the meaning of Article 2, letter b and Article 3 of this Law;
 - b) restrictions on the use of the immovable property, including non-changes of the destination, in order to protect its characteristics and maintenance;
 - c) conditions of the right on public property use;
 - ç) conditions that guarantee the realization of functions it fulfills.

2. Definitions and restrictions set forth in the Immovable Property Register, in accordance with paragraph 1 of this Article, may be removed or amended by a decision of the Council of Ministers for central government immovable properties, in the following cases:

- a) when the characteristics set forth in the Immovable Property Register do not comply with the criteria determined in Article 2, point b and Article 3 of this Law;
- b) when the restriction on the Register is more obstructive than necessary;
- c) when the property situation has changed or when the circumstances that have justified the restriction no longer exist.

CHAPTER III

DETERMINATION OF STATE OWNERSHIP ON IMMOVABLE PROPERTIES

Article 8

Determination of Ownership

1. Not later than ninety (90) days after the entry into force of this Law, the Council of Ministers shall approve the sub-legal acts for the procedures, by which an inventory of ownership rights and other interests related to immovable property of the Albanian State shall be made.
2. Within the terms defined by the sub-legal acts, each state body and local government unit shall draft a list of immovable properties on which it has administrative responsibility.
3. The Council of Ministers approves the inventory list of state immovable properties.

Article 9

Transfer and final registration

A special law shall determine the immovable properties that shall be transferred in ownership or in use of local government units, conditions and restrictions on these rights, and the procedures for such transfer.

Article 10

For all immovable properties that remain in the ownership of the central government, the Council of Ministers shall determine the administrative responsibilities of the various state bodies for the administration of these properties.

CHAPTER IV

PRIVATE IMMOVABLE PROPERTY ADMINISTRATION

Article 11
Immovable Property Administration

The administration of immovable property by state bodies or local government units is made in conformity with the rules determined in the legislation in force and in the Civil Code.

Article 12
Immovable Property Administration Principles

Immovable Property Administration provides these conditions:

- a) protection and guarantee of public interest;
- b) protection of unique property characteristics and values;
- c) protection and increase in the economic value of the property;
- ç) protection of ecological indicators of the immovable property unit according to the principle of greater public usefulness.

Article 13

The Council of Ministers appoints the state body responsible for the administration of each unit of immovable property, making the respective notes in the Immovable Property Register.

Article 14

The Council of Ministers assigns that state body or public entity which exercises the highest degree of control on the property to be responsible for the administration of each immovable property unit. If none meets the above-mentioned condition, the Council of Ministers assigns that state body or public entity whose field of activity is closest to the property characteristics to administer the property.

Article 15
Change of administration responsibility

The Council of Minister changes the responsibility for administration from one state body or public entity to another in cases when:

- a) the responsible body does not administer the property in conformity with Article 13 of this Law;
- b) the property characteristics change;
- c) a more beneficial use of property may be realized under the administration of another state or public body.

Article 16

Any change in responsibility of the state body assigned with administration, is reflected with the respective note in the Immovable Property Register.

Article 17

Resolution of disputes regarding the assignment of the state body responsible for the administration

Ninety days after the entry into force of this Law, the Council of Ministers approves the procedures for any possible disputes related to the responsibilities of administration for immovable properties, in conformity with this chapter.

Article 18

The procedures shall guarantee:

- a) the resolution of disputes for the appointment of the administrator for an immovable property within 90 days after they appear;
- b) the resolution of disputes to fulfill the requirements defined in Articles 3,4 and 6 of this law.

CHAPTER V

LAST PROVISIONS

Article 19

All legal provisions, which fall into contradiction with this Law, shall be repealed.

Article 20

This law enters into force 15 days after the publication in the Official Journal.

Promulgated by Decree No.2916, dated 9.3.2001 of the President of the Republic of Albania Rexhep Meidani.