

## SECRETARIAT GENERAL

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Meeting: 1230 meeting (9-11 June 2015) (DH)

Item reference: Updated action plan (18/05/2015) (40 pages)

Communication from Albania concerning the cases of Driza group and Manushaqe Puto against Albania  
(Applications No. 33771/02, 604/07)

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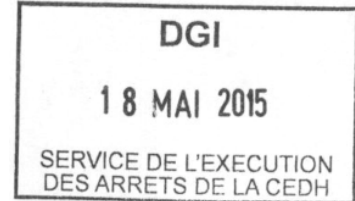
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Réunion : 1230 réunion (9-11 juin 2015) (DH)

Référence du point : Plan d'action mis à jour (40 pages)

Communication de l'Albanie concernant les affaires groupe Driza et Manushaqe Puto contre Albanie  
(Requêtes n° 33771/02, 604/07) (**anglais uniquement**)

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## ACTION PLAN

“MANUSHAQE PUTO”, APPLICATIONS nos. 604/07, 43628/07, 46684/07 and 34770/09,  
JUDGMENT 31.07.2012, FINAL ON 17.12.2012

### 1. Introduction

The failure to implement final decisions recognising the right to restitution of/compensation for properties confiscated during the communist regime is, without contest, a long-standing structural problem of the Albanian legal system. At the 1186<sup>th</sup> CM-DH meeting (December 2013), the Government of Albania **expressed its commitment to put in place, within the time-limit set by the Court (that is 17 June 2014), an effective restitution/compensation mechanism and to submit to the Committee, without further delay, a comprehensive and detailed action plan** for the implementation of the European Court’s pilot judgment *Manushaqe Puto* and of the other judgments in the *Driza* group of cases.

### 2. Presentation of the problem

The Strasbourg Court in its pilot judgement “Manushaqe Puto v Albania”<sup>1</sup> found a violation of the European Convention on Human Rights (ECHR) on account of non-functioning of the existing mechanism for restitution and compensation for the property confiscated during communist regime. The mechanism proved to be ineffective, as it has been in place for almost 20 years without providing any final and fair solution in favour of subjects expropriated during the communism. The Court found a violation of articles 6 § 1 and 13 of the Convention, and of article 1 of Protocol no. 1 to the Convention. In its pilot judgment, the Court ordered the Albanian authorities to:

- Draft a list of final judicial and administrative decisions which recognize rectitude and/or compensate property to former-owners. Such list must contain data concerning the status and location of the property, plot of the land to be resituated and/or compensated and forms of compensation.
- Adopt a Land Value Map with as reasonable and objective values, as possible.
- Prepare the financial bill for the process of restitution and compensation of property
- Establish an effective mechanism for execution of all final decisions, administrative and judicial, which recognize, restitute and compensate property to former owners.

<sup>1</sup> Applications no. 604/07, 43628/07, 46684/07 and 34770/09, Judgement 31.07.2012, Final on 17.12.2012

- Adopt an Action Plan for execution of decisions which recognize, restitute and compensate property, containing strategic, structural, financial and legal measures, indicating concrete and well-elaborated steps, as well as objective time limits.

### 3. Reaction of the Albanian authorities

From the moment of its entry into force in December 2012 until September 2013, the response of Albania to the pilot judgment was vague. The only measures taken until September 2013 were the establishment of the Agency for the Standard Property Maps <sup>2</sup> and the adoption of the Land Value Map<sup>3</sup>. No long-term and comprehensive action plan for execution of the pilot judgement was elaborated until September 2013.

The new government, arising from elections of 23 June 2013, was established in September 2013 and became familiar with the property-related issues in general and with the problem of property restitution and compensation in particular.

In line with the commitment expressed at the 1186 CM-DH meeting, the Government of Albania **has already resolved to include the Land and Property related issues among the six top priorities for the coming four years.** This will bring the implementation of the concrete measures foreseen to tackle these priority issues under the supervision of a monitoring mechanism (special delivery unit system), subordinated directly to the Prime Minister. This mechanism, in place since January 2014, is tasked with the follow-up of the implementation of the Government's top six priorities and has been granted power to intervene if deadlocks are reached in the process.

The Government of the Republic of Albania is in the process of setting the mid-term priorities for the next 4 years: it is currently in the final stages of the adoption of a National Strategy for Development and Integration. In summary, the Government shall establish 6 major sectors/high cross cutting and interactive areas of priorities, "Land and Property" being one of them. At the same time, each ministry is planning to adopt 3 major priorities/results to achieve in a 4-year term; **introduction of an effective compensation mechanism for restitution or compensation for property will be one of three main priorities of the Ministry of Justice.**

To ensure that progress is made and results are achieved in the 6 major priority sectors, a monitoring mechanism (corresponding to the Delivery Unit model) has been already introduced

<sup>2</sup>Adoption of law no. 72/2012 "On organisation and functioning of the infrastructure for the geo-spatial information in the Republic of Albania, as regards the creation of the Agency for the geo-spatial data"

Adoption of DCM no.147, of 20.02.2013 of the Regulation "On organisation and functioning of the State Authority for Geospatial Information"

Adoption of DCM no.413, of 15.05.2013 "On reallocation of the number of staff and budgetary fund for 2013, between the Military Geographic Institute and the State Authority for Geospatial Information"

<sup>3</sup>Adoption of Decision no.187, of 6.03.2013, "On adoption of land value for each region of the Republic of Albania"

in the Prime Minister's office<sup>4</sup> to overcome any possible deadlocks and achieve the objectives set in the 6 priority areas, including "Land and Property". There are also delivery units in each ministry (as in the Ministry of Justice), which follow-up the progress as regards the three ministerial priorities.

At the same time, in December 2013 the Government put in place **an inter-ministerial working-group to prepare an action plan for the execution of the judgments** in the case of *Manushaqe Puto* and the *Driza* group of cases.

The working group reunites representatives of all institutions and ministries involved in the restitution/compensation process: chaired by the Deputy Minister of Justice, Mr. Idlir Peci, it further consists of Deputy Minister of Finance, Deputy Minister of the Interior, Deputy Minister of Economic Development, Deputy Minister of Trade and Entrepreneurship, representative of the Office of the Prime Minister, General State Advocate, Director of Agency for Restitution and Compensation of Properties (ARCP), Director of Agency for Legalisation, Urban Planning and Integration of Informal Areas/Zones (ALUIZNI), General Director of the Immovable Property Registration Office (IPRO). The working group completed this task in less than two months (31 December 2013 – 24 February 2014). In preparing the Action Plan, the working group was assisted by the Department for the Execution of Judgments of the European Court of Human Rights within the Council of Europe, through frequent video-conferences, meetings and discussions, including during the mission of its delegation to Tirana on 13-14 February 2014. The Albanian Government avails itself of the opportunity to express its gratitude to the Department for the Execution of Judgments for the ongoing support in this process.

#### 4. Objective

Creation of a new effective mechanism for compensation of subjects expropriated during communist regime, who have been awarded a final decision for recognition of the right to property compensation.

### THE INDIVIDUAL MEASURES

During this period of time the Albanian Government has taken different actions to abide the Court decision, by executing the award for "just satisfaction" as follow; First of all the Albanian Government fulfilled its obligations for the execution of the individual measures pertaining to the just satisfaction awarded by the European Court of Human Rights to the applicants through the issuing of the Council of Ministers Decisions No.172, dated 26.03.2014, in the case of "*Delvina v.*

<sup>4</sup> Prime Minister's Order no. 204, dated 01.11.2013 "On the Prime Minister's Office organisational structure and Structure".

**Albania**” No. 49106/06, final judgement on 08 June 2011.

Referring to the case “*Manushaqe Puto and others v. Albania*” (604/07, 43628/07, 46684/07 and 34770/09), judgment of 17.06.2012, final on 17.12.2012, the Albanian Government has taken further steps into the execution of the individual measures pertaining to the “just satisfaction” awarded by the European Court of Human Rights to the applicants through the issuing of the Council of Ministers Decisions no. 180, dated 26.03.2014 “For payment of the remainder value of the obligation for the execution of the European Court of Human Rights decision dated 31.07.2012 for the applications no. 604/07, no. 43628/07 and no. 46684/07 “*Manushaqe Puto and others v. Albania*”.

## **THE GENERAL MEASURES**

### **5. Main measures**

- **Institutional reform**
- **Identification of the bill**
- **Inventory of the properties available for compensation in kind**
- **Legislative amendments in property-related area setting-up an effective restitution/compensation mechanism**
- **Completion of initial registration of properties**
- **Institutional coordination**

#### **5.1. ARCP institutional reform**

**The Government intends to reform the Agency for Restitution and Compensation for Properties (the “ARCP”), which will play a key-role in the future restitution/compensation mechanism. The reform is due to be completed by 2015**

The purpose of this reform is to enhance and coordinate the management of the state-owned properties to be used in the compensation process and to avoid duplication of resources involved. ARCP shall be transformed into the Land Fund Agency and manage the land fund that will serve for compensation. Due to the important role foreseen for the new Agency in the new restitution/compensation mechanism, the proposal is to make it strategically dependent on the Council of Ministers/Prime Minister.

In order for the reform to be carried out, it is necessary to extend the mandate of the ARCP by one year, as at present it is statutorily bound to expire in May 2014<sup>5</sup>. The one-year extension shall serve as transitory period for carrying out the legal and institutional reform.

The reform shall be carried out in several intermediate steps:

**5.1.a. Screening of the current situation of the ARCP and identification of the compensation bill**

- *Creation of the electronic register of ARCP decisions.* A working Group within the ARCP has been set up in November 2013 by order of the Director General, to create an accurate database for each file in the ARCP archive. The electronic register is to be finalised in September 2014.

The process of preparation of the information for the drafting of the Electronic Register has been fully accomplished. Creation of the electronic register for ARCP decisions from 1993-2014 is completed for these districts: Tirana, Elbasan, Diber, Durres, Fier, Berat, Vlore, Shkoder, Kukes, Lezhe, Gjirokaster and Korce..

The finalization and publication on the web page of the ARCP <http://www.akkp.gov.al/> has been accomplished in the month of July 2014 (in advance), and the content information on the page can be freely accessed by any interested party. On the topic of the content that has been published in the Electronic Registry, the authorities have conducted meetings with the Commissioner of Personal Data Protection on the possibilities and scope of the published information, which issue an authorization in regard.

<i>Status: Accomplished 100%</i>
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- *Creation of the database of beneficiaries from the financial compensation fund for the period 2005-2012.* The database has been completed in December 2013 and is to be updated annually.

By order of the Director General of ARCP dated 11.11.2013 a working group was created to draft an electronic database and a hardcopy for all the benefiting subjects from the compensation fund during the period of 2005-2013. This working group has identified the beneficiaries from

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<sup>5</sup> Article 24 of Law No. 9235 of 29 July 2004 "On restitution and compensation of property" foresees that the process of recognition, restitution and compensation of immovable property shall be completed by 30 April 2014, except for payment of compensation which shall be completed in 2015 (the precise date is not foreseen in the law). It means that the mandate of the ARCP shall be completed by 1 May 2014.

the special compensation fund beginning from 2005 budgetary year to 2013. The working group concluded its work and now the electronic database with all the benefited decisions during these years is accomplished and fully functional.

*Status: Accomplished 100%*

- *Identification of institutions which alienate state-owned property and the legal procedures followed by them.* A working Group within the ARCP has been set up in November 2013 by order of the Director General. ARCP shall present its proposals relevant authorities in April 2014 on simplification and unification of procedures in the property field.

A working Group within the ARCP has been set up in November 2013 by order of the Director General. ARCP presented its proposals to the relevant authorities<sup>6</sup> in April 2014 on simplification and unification of procedures in the property field.

ARCP, in the process of issuing decisions, cooperate with different institutions, which alienate the state property. ARCP, in order to identify and harmonize the legal framework with the aim of simplifying the procedures and strengthening the collaboration, verified the relevant institutions as follows:

- i. IPRO (Immovable Property Registration Office)
- ii. Municipality/ Communes
- iii. ALUIZNI (Urban Planning and Integration of Informal Areas/Zones)
- iv. DASPP (Directory for Administration and Sell of Public Property)
- v. District Council.
- vi. Responsible Ministries etc

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- *Yearly update of the Land Value map for 2014, so that it reflects the current market value of the properties.* All the data related to transactions recorded with the IPRO shall be processed in order to prepare the land value for each cadastral area.

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<sup>6</sup> A working group was constituted by order of prime Minister no.153 date 17.04.2014 "Reviewing the legislation on the property"

According to the legislation in force the ARCP process all the data related to transactions recorded with the IPRO in order to prepare the land value for each cadastral area. By the order of the Director General Nr. 06 dated 08.01.2014 a working group within the ACPR, is created to process the Land Value Map. The process is conducted in three phases:

- Drafting of the database;
- Process of the database sent by IPRO locally and the outcome;
- The process of mapping chart and the complement of the catalogue;
- The digitalization of the Land Value Map in continuous.

ARCP casted the asset value for the whole Albanian territory of buildable land, agricultural land, pastures, meadow and woodland, and submitted a proposal to the Minister of Justice for further considerations/ approval.

On 12 March 2014 the ARCP proposal, with the updated estimated values for properties in the Republic of Albania, which have been translated in a factual map, has been presented to the Council of Ministers.

Council of Ministers have approved Decision no. 514, dated 30 July 2014 “*For the adoption of the property value for each county in the Republic of Albania*”, which is now on status of implementation.

<i>Status: Accomplished 100%</i>
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#### **5.1.b. Extending the ARCP operation time**

- *Proposal to extend the ARCP mandate.* ARCP deposited with the Ministry of Justice, in February 2014, the proposal to extend the mandate.

ARCP submitted to the Ministry of Justice, in February 2014, the proposal to extend the mandate for an additional 1 year. (concluded)

- *Draft law on extension of ARCP mandate.* Ministry of Justice drafts the respective draft law and submits it to the Council of Ministers for review and approval within March 2014.



Ministry of Justice drafted the respective draft law and submitted it to the Council of Ministers for review and approval within March 2014 after consultation with the relevant authorities. (concluded)

- *Sending the draft law on extension of ARCP mandate to the Parliament.* The Council of Ministers sends the draft law to the Parliament for review and approval in the second half of April 2014.

The Council of Ministers approved the Proposal of the draft law “For some amendments of the law Nr. 9235 dated 29.07.2004 for Restitution and Compensation of Property” and the draft law on extension of ARCP mandate was sent to the Parliament for review and approval on 19.03.2014. (concluded)

- *Review and approval of the draft law by the Parliament.* The Parliament reviews the draft laws within the respective parliamentary committees in consultation with the groups of interest and submits it for voting in the parliamentary session of April 2014.

The Parliament reviewed the draft law within the respective parliamentary committees in consultation with the groups of interest and approved the law No. 49/2014 on 08 May 2014.

#### ***5.1.c. Analysis of the organic law and sublegal acts on organisation and functioning of ARCP***

A working Group within the ARCP has been set up in November 2013 by order of the Director General for the purpose of making concrete proposals to improve the legal framework on organization and functioning of ARCP, according to the improvement of the legislative situation in property area.

Following, by Order of the Prime Minister No. 153, date 17.04.2014 “*Reviewing of the legislation on the property area*” a working group is established. ARCP has submitted to the Working Group, a report and some concrete proposals, on law No. 9235 dated 29.07.2004 “*For some amendments in law and bylaw in force aiming to simplify the procedures in the property field*”.

The ARCP proposals have been examined by this Working Group through analysis of legislation in the field of property.

Refer to point 5.4.a, as follows.

<i>Status: Accomplished 100%</i>
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#### **5.2. Identification of the bill**

In order to establish an effective restitution/compensation mechanism, the authorities need to have a precise compensation bill resulting from the total amount granted by the existing restitution/compensation decisions. The inventory of these decisions has been at a standstill for too long. Recently, the ARCP has succeeded in breaking the deadlock, by completing a pilot project for digitalisation (see below).

**More precisely, the authorities have taken/envisage the following steps:**

*5.2.a Pilot project for digitalisation of maps of restitution and compensation decisions from 1993 until now.*

*Deadline: November 2013 – April 2014*

This pilot project consisted of identification of all decisions on restitution and compensation of the CRCP / RCRCP / ARCP since 1993 to date.

Firstly, the ARCP have completed the digital inventory of all the decisions for restitution and compensation in Vlora Region. 5173 files have been recorded, which included the decisions for recognition, restitution and compensation of property.

All the *decisions of recognition and restitution of the property* and related maps (PDF format), are insert into al.invest system (digital system). Realization of this process shows now accurately the position of decisions of recognition and restitution of the property and their mapping spots in to general map of the Vlora Region. In mean time, the registry of 1575 *decisions on financial compensation* for the Vlora Region has been completed. All decisions have been reflected in the digital map with information such as the cadastral data (plot land, agricultural land, forest and pasture) and the cadastral area. The registry enabled the calculation of the financial bill for all the territory of Vlora Region.

The pilot project realized in Region of Vlora has been fully implemented. The project has been implemented by 6 (out of 90) members of ARCP staff through the use of software made available for trial by a digital company in the mapping area.

Through this pilot project, ARCP possess now an accurate information for all the decisions given in the Region of Vlora, where all the claimed, recognized, resituated and/or compensated surfaces are reflected. The project started in November 2013 and was completed in April 2014.

The experience achieved through this pilot project served as a methodology for entering the data, disclosing all compensation decisions and made the calculation of the financial bill, for all the Districts of the Republic of Albania

*Status: Accomplished 100%*

*5.2.b. Creation of database and graphic map position of maps of restitution and compensation decisions from 1993 until now, all over Albania.*

*Deadline: June 2014- June 2015*

The experience with Vlora Region indicates that this project must be extended all over Albania. It shall be done at the same time as inventorying and digitalisation of some 46,000 files stored in the ARCP archive as of 1993. It shall enable the calculation of the compensation bill for the whole the territory of Albania, effectively and quickly. Moreover, it shall facilitate the selection of compensation forms. The application may be accessed online by all the interested institutions and the public. This builds public trust and leads to a transparent decision-making process.

Negotiations with EU are taking place in order to enable allocation of a fund of 1 million EUR (IPA funds) for the implementation of this project. **This fund is expected to be awarded within June 2014. The full project shall be finalised within 12 months from the moment of its allocation.**

*Update:* ARCP, on June 2014 had applied for the financial support on the IPA 2 open call “Support for the implementation of Property Strategy”, which resulted unsuccessful.

Following the failure to benefit from the IPA 2 funds, ARCP intensified contacts with the Ministry of European Integration of Albania and the Ministry of Innovation of Albania, as well as representatives of the Delegation of EU in Albania, with view of finding financial opportunities on possible realization of this major project.

In this regard, ARCP applied in another call for proposal managed by the Ministry of Innovation of Albania, and submitted the project proposal within the deadline set of 30 April 2015. The project proposal submitted will enable to achieve total transparency over the decision-making process and help in identifying cases of overlapping ownership and thus result in reduction of the obligation of the Albanian state towards the expropriated subjects.

ARCP is currently awaiting the results, on the evaluation of the project proposal. The process it is foreseen to be concluded within July 2015.

- *Creation of the Register of financial obligations stemming from final court decisions awarding expropriated subjects.*

The aim of this measure was the identification of the financial bill stemming from final court decisions awarding compensation to expropriated subjects and the budgetary anticipation of these obligations.

In this regard, during February-April 2014 the ARCP has collected the necessary administrative documentation for the identification of a comprehensive bill regarding the obligations of this institution towards the expropriated subjects who have been awarded via final court decisions.

The final court decisions awarding the expropriated subjects, has been registered in an electronic database. The gathered data's has been forwarded to the Budget Directory near the Ministry of Justice for the drafting and implementation of the necessary remedies for these cases. This database is continuously updated with new decisions that are submitted to the ARCP by the interested parties and subsequently officially confirmed by the competent court.

All these cases have been included in the implementation of the “*Strategy for the prevention and payment of overdue obligations and Action Plan*”, for which, disbursement of the funds have been conducted by the Ministry of Finance. Accordingly, the financial bill for compensation, based on the registered data's is up to 155.583.016 ALL equivalent to 1,111,307.26 Euro.

*Status: Accomplished 100%*

### 5.3. Inventory of property available for compensation in kind

The authorities consider the inventory of the available land resources together with the determination of the final compensation bill to be crucial for setting the exact level and forms of the compensation to be finally awarded through the new restitution/compensation mechanism. The authorities **intend to finalise the inventory of the properties available** for compensation in kind, **by October 2014**.

In regard to the inventory of property available for the compensation in kind an inter-institutional working group under the direction of the Deputy Prime Minister was established<sup>7</sup>. The task of inter-ministerial working group was the identification of the state-owned property available for compensation in kind, namely the identification of the natural agricultural land fund of 23 thousand hectares and its submission for approval to the government.

Within October 2014, the institutions in charge, in close collaboration with the CIPRO, ASIG, Ministry of Interior, Ministry of Agriculture and Ministry of Economy and Entrepreneurship, established the “fund for compensation of the owners in kind”. The ARCP identified and verified the legal status of the properties attributed for the compensation in kind and their materialization geographically on maps.

So far, 23 thousand hectares have been added to the ARCP fund for compensation in kind.

<sup>7</sup> Prime Minister Order No. 154, date 17.04.2014. The relevant authorities involved were defined by the Decision of the Council of Ministers No.72, date 12.02.2014

*Status: Accomplished 100%*

## 5.4. Legislative amendments in property

This measure, **conducive to putting in place of the new effective restitution/compensation mechanism**, aims at avoiding fragmentation of the law, ensuring legal certainty, guaranteeing effective means of appeal and facilitating the compensation procedures.

The legislative process is due to be completed **by June 2015** at the latest and public consultations shall be held at each crucial step thereof.

In order to attain this objective, the following steps are taken:

### 5.4.a. Analysis of the property legislation

By order of the Prime Minister an inter-institutional working group shall be set up consisting of experts from the Ministry of Justice, Ministry of Urban Development and Tourism (ALUIZNI), ARCP, IPRO, Ministry of the Interior, Ministry of Environment, Ministry of Agriculture, Ministry of Economy and Ministry of Finance. The working group is coordinated by the Ministry of Justice. It shall analyse all laws and bylaws in force, on restitution and compensation of property<sup>8</sup>, on legalisation,<sup>9</sup> on immovable property registration<sup>10</sup>, on state-owned immovable properties<sup>11</sup>, and legal acts on methodology of the Land Value Map. The analysis shall consider concrete interventions into the legislation. **The process shall be completed in June 2014.**

*Update:* By order of the Prime Minister No. 153, date 17.04.2014 an inter-institutional working group is set up consisting of experts from the Ministry of Justice, Ministry of Urban Development and Tourism (ALUIZNI), ARCP, IPRO, Ministry of the Interior, Ministry of Environment, Ministry of Agriculture, Ministry of Economy and Ministry of Finance. The working group is presided by the Deputy Minister of Justice. It has analysed all laws and bylaws in force, on restitution and compensation of property<sup>12</sup>, on legalisation,<sup>13</sup> on immovable property registration<sup>14</sup>, on state-owned immovable properties<sup>15</sup>, and legal acts on methodology of the Land Value Map. The analysis considers concrete interventions into the legislation. The working group started work and approved a Working Agenda. In April 2014, the ARCP presented a detailed report with concrete proposals to the working group.

<sup>8</sup>Law no.9235, of 29.07.2004 "On restitution and compensation of property ", amended

<sup>9</sup> Governed by law no 9482, of 3.4.2006 "On legalisation, urban planning and integration of unauthorised buildings", amended

<sup>10</sup> Law no. 33/2012 "On registration of immovable properties"

<sup>11</sup> Law no.8743, of 22.2.2001.

<sup>12</sup>Law no.9235, of 29.07.2004 "On restitution and compensation of property ", amended

<sup>13</sup> Governed by law no 9482, of 3.4.2006 "On legalization, urban planning and integration of unauthorized buildings", amended

<sup>14</sup> Law no. 33/2012 "On registration of immovable properties"

<sup>15</sup>Law no.8743, of 22.2.2001.

This working group led by the Deputy Ministry of Justice has analysed all the legislation in the property field and concluded its work on July 2014.

The legislation analysis was discussed in Roundtables, held with stakeholders and institutions involved in the process.

*Status: Accomplished 100%*

#### **5.4.b. Preliminary consultation**

The conclusions drawn from the above-mentioned analysis shall be subjected to a preliminary consultation process with the groups of interest in order to collect their opinions in the preliminary drafting of legislative interventions. This shall build public trust and shall result in a transparent decision-making process. The preliminary consultation process shall be completed **in August 2014**.

*Update:* The Ministry of Justice in cooperation with the Agency for Restitution and Compensation of Property held two round-table consultations with stakeholders and group of interest in October 2014<sup>16</sup>.

The roundtables were focused on analysis of legislation and receiving contributions from all stakeholders for the implementation of a transparent decision making process. The participants were representatives of associations of expropriated subjects, experts, representatives of civil society, international organizations, constitutionalists, state institutions, etc.

The roundtables provided a fruitful and constructive consultation on the need for the changes in the legislation for the recognition, restitution and compensation of property. Stakeholders submitted their proposals for the necessary amendments. Furthermore, an email address was created for submission of suggestions by interest groups and individuals.

The proceedings of this discussion with the stakeholders and central institutions were drafted and summarized by the ARCP, submitted to the Minister of Justice and distributed to all participants of the roundtables.

*Status: Accomplished 100%*

<sup>16</sup> It has been a delay on realization of this measure, because the analysis of the legislation took a longer period of time than anticipated, due to the complexity of the issue and the large number of laws and regulations to be analyzed.

### **5.4.c. Drafting legal amendments**

The necessary amendments shall be drafted after the preliminary consultation process. The institutions mentioned in point 5.1.a shall be responsible for this drafting which shall be completed in **October 2014**.

*Update:* In December 2014, following a request for support from the Deputy Minister of Justice and Deputy Minister of Finance to the Council of Europe and the World Bank, a fruitful collaboration was initiated with a view to finding an effective compensation mechanism, identifying the compensation formula and drafting the relevant new law. The aim was to create a comprehensive working group, well versed in the complexity and problems in the field of property, decision making, and in the international best practices. Consultation was extremely important.

Following the organization of the roundtables with the stakeholders in October 2014, the consultations, and the discussions in the working groups together with the experts of the CoE and the WB, a final draft was prepared.

The draft law was submitted to the Ministry of Justice by the ARCP letter no.port. 1208 dated 27.03.2015. This draft was also discussed by the Working Group on 8 April 2015, in an intense session attended by the experts of the Council of Europe, World Bank, IOM, Ministry of Justice, the Deputy Minister of Finance, and the State Advocate.

Another meeting with the representatives from the Department of the Execution of Judgements of Council of Europe, Ministry of Justice ACPR and General State Advocate was held on 23 April 2015 in Tirana.

The final draft law, taking into account the recommendations and concerns raised in different round tables, and later by the consultative session organized on 23 April 2015, was drafted and submitted by APRC on 18 May 2015 to the Ministry of Justice and State Advocate Office (in the capacity of the Government Agent).

The proposed draft law, in upcoming months will be part of further discussions and round tables with all the group of interest and relevant institutions. The consolidated version of the draft law will be presented further to the Council of Ministers of Albania and then to the Parliament of Albania.

***Presentation of the draft law.*** The new proposed Draft Law “*On the treatment (management) of property and completion of the process of restitution and compensation of property*” provides a comprehensive mechanism on the process of compensation of property within a period of 10 years, by clarifying and providing clear guarantees for the source of the compensation of property funds. The draft law introduces a realistic compensation formula, lists specific procedures for its implementation and provides an efficient and final solution to the issue of compensation of properties.

#### *1. The aim and the scope of the law*

The draft law creates instruments which rely on documents of origin of the property and on the type of land that was expropriated in the early years of the communist regime when the process of nationalization and expropriation of private property started.

This draft law, for the first time takes into account the treatment of all compensation decisions regardless of the type or category of land. Expropriations for which a fair and just compensation was provided, property donated to the State, as well as property acquired in the application of agrarian reform of 1945 are excluded from the application of the law<sup>17</sup>.

The draft law provides for a mechanism for the treatment of compensation decisions in a "chronological order" from an earliest decision to the latest decision. Furthermore, it is proposed to award a reward for non-pecuniary damage resulting from excessive length of compensation proceedings (reward required by the CoE, mechanism which is left to be assessed by the Ministry of Finance in relation to available resources for the coverage of the fund).

The procedure, deadline and property compensation formula are set out in Articles 9, 11 and 12 of the draft / law.

### *2. Compensation Fund under 10239/2010 and according to the draft law.*

The Law 10239/2010 for "the establishment of a special compensation fund" which duplicates the compensation procedure was never fully implemented is to be repealed by the proposed draft law. .

The draft law proposes:

- establishment and composure of the "the property compensation fund" (the financial compensation fund and the land fund economically estimated in financial value);
- sources of the fund;
- procedure of distribution of the compensation fund.

Guarantee for the completion of this process has been introduced by setting a minimum financial sum that the state budget would annually allocate to the compensation fund. The implementation of the auction for the property part of the land fund, which shall serve as a new source of generation of income for the compensation fund, has been for the first time procedurally described.

Definitions regarding property compensation fund can be found in Articles 5, 6, 7 and 8 of the draft law.

### *3. The restitution of property according to law 9235/2004 and according to the draft*

The current Law 9235/2004 has been amended constantly in every article that defines the procedures for the restitution of property, leaving this part of the law incomplete and unregulated. The law does not guarantee the completion of the process, thus creating an unclear legal situation and changing the law every year due to the postponement of the completion of the process. The law also leaves open the possibility of new applications being restored in time as applied by the courts. All these definitions (frequent amendment of the law, the deadline for completion of the process and new applications) are in violation with the CoE recommendations.

The proposed draft law pairs the unregulated part of the law, which was due to the multiple changes and the repeals made by the Constitutional Court in time, and sets a term of 3 years from the adoption of the law to complete the review of the files lacking a decision near the ARCP.

Furthermore, the draft law closes down the procedure of acceptance of new applications for restitution/compensation at the time of entry into force of this law.

The procedure and deadlines for restitution are defined in Articles 13, 14, 15, 16, 17, 18, 20 and

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<sup>17</sup> Article 5.



25 of the draft law.

#### 4. *Compensation formula*

The draft law introduces a compensation formula based on the “cadastral index” which means that: *For all compensation decisions, in cases where the property has changed the cadastral index from the moment of loss of the property up to date, for the area recognized for compensation, the compensation value is calculated according to the cadastral index the property had at the time of expropriation.*

The calculation of the surface to be compensated is based on the value map at the time of the entry into force of the law, taking as reference the cadastral index according to the property origin, located closer to the property to be compensated. If near the property to be compensated there are some cadastral areas within the same distance and different values, then the referenced area shall be the one with the highest value. The compensation value is deducted from the value of the land already restituted through a final decision, which is calculated based on the value map of the current cadastral index, and it is proceeded as follows:

- a) If the value of the land restituted through a final decision is higher than the value of land identified for compensation, the expropriated subject is considered as compensated,
- b) If the value of land that is identified for compensation is higher than the value of the restituted land, the difference is compensated to the subject, according to the provisions of Article 11 this law.

#### 5. *The institutions responsible for the enforcement of the law, appeal, etc.*

At present, the ARCP is charged with the enforcement of the Law 9235/2004, as a public legal entity under the Ministry of Justice. The Law stipulates that the appeal against decisions issued by the ARCP is to be filed with the Tirana District Court.

The draft law proposes the establishment of Property Treatment Agency (PTA) as the institution tasked to implement this law and proposes the transfer of this organ to the Council of Ministers. The Property Treatment Agency (PTA) will replace the existing ARCP.

Given that the property issue is one of the six priorities of the Albanian Government and because property is the foundation of a sustainable economic development, it was concluded that due to the importance of this institution, it should be under the Council of Ministers.

Given that decisions of the ARCP are considered quasi-judicial decisions by the the Constitutional Court, Supreme Court, and also by the ECtHR, also aiming for the closure of this process in the shortest period of time, it is proposed that appeals against the decisions of the ARCP be addressed directly to the Court of Appeal.

In conclusion: the objectives to be achieved with this draft.

1. To complete, within 10 years, the execution of all final decisions on compensation issued by the former CRCP, RCRC and ARCP, ranging from 1993 until today, through an effective domestic mechanism, which enables a fair compensation to the owners.
2. to provide a guarantee for the successful completion of the compensation process through the consolidation of the compensation fund, ensuring a transparent and un-bureaucratic compensation procedure.
3. To complete within a 3-year deadline the review of all applications for restitution and compensation in which no decision has been issued so far, in order to finally stop the

postponement of the mandate of the Agency for the consideration of these applications.

4. With the entry into force of this draft law, to stop the process of acceptance of new applications for review.
5. To determine the formula for economic assessment of 26.000 decisions awarding compensation up until today. A formula which guarantees the enforcement of these decisions within a specified 10-year deadline.
6. To create a property compensation fund, which the government makes available for the compensation of the owners each year from the state budget, for a period of 10 years.
7. To institute as a general and wide spanning rule, in the entirety of the articles of this law: the chronological order of treatment of decisions from the oldest to the latest, as well as the economic assessment referred to the initial cadastral index of the property, according to the documents of origin. For the first time this law takes into account the economic value of the restituted property over these 23 years, and establishes a fair and real process for all owners awaiting compensation from the Albanian Government.

*Status: Accomplished 100%*

#### **5.4.d. Final consultation**

The draft acts shall be subjected to a final consultation process with the groups of interest and state institutions. This shall build public trust and shall result in a transparent decision-making process. The consultation shall be completed in **December 2014**.

*Update:* The final consultation process is on-going. Based on the feedback of the Council of Europe experts and World Bank experts the draft law was revised and now it is ready for the final consultation with the group of interest and relevant ministries.

The process will be completed within July 2015

#### **5.4.e. Reflection of suggestions and preparation of the final draft law**

Following the final consultation, the remarks and suggestions shall be reflected and the final draft shall be prepared. The final project-acts will be submitted for review and approval to the Council of Ministers in **February 2015**.

*Update:* The process is on-going. Within July 2015 the final draft law will be submitted for review and approval to the Council of Minister of Albania.

The process will be completed within September 2015

#### **5.4.f. Submission and approval by the Parliament**

The Council of Ministers shall review, approve and send to the Parliament the draft acts in March 2015. The parliament shall start the process of public consultation and it shall hold the plenary session for approval of the draft acts within **April - June 2015**.

*Update:* The process is on-going. The Council of Ministers shall review, approve and send to the Parliament the draft law within September 2015.

This process is in delay. It was envisaged to be completed within June 2015, but it is postponed till September 2015. The process of consultation with stakeholders and group of interest, as well as drafting of the law took more time than the one envisaged.

On 07 May 2015 the Parliament of Albania extended the mandate of ARCP till October 2015. During May-September 2015, all the competent institutions will work closely on finalization of the process of submission and approval of draft law by the Albanian Parliament

#### **5.5. Completion of initial registration of property**

Should the new restitution/compensation mechanism provide for compensation in-kind as one of the forms of compensation, its smooth running will depend on the accuracy of the real property registration system. To this end, the authorities are determined to complete, **by the end of 2016**, the initial registration of property for the remaining unregistered cadastral areas.

So far, registration of already 2,584 out of a total of 3,057 cadastral areas has been completed. It is being carried out in further 119 cadastral areas with the funds of the World Bank under the LAMP project and it is expected to be completed for the remaining 354 cadastral areas by the end of 2016, financed by the proceeds of IPRO which, according to preliminary calculations, amount to ALL 1,570,000,000 (approximately 11,000,000 EUR).

#### **5.6. Institutional coordination**

One of the problems observed during the last 20 years has been lack of effective cooperation between the relevant institutions in the property rights area. This has resulted in unjustifiable delays for the successful completion of the process of restitution and compensation of property. Moreover, lack of coordination has contributed to the legal uncertainty. Drawing conclusions

from this negative experience, the Albanian Government undertook to ensure institutional coordination in order to ensure successful implementation of the Action Plan.

From the moment of constitution of the new government in September 2013, the following measures have been taken to attain this objective:

**5.6.a. *Inter-institutional working group for taking measures to execute the pilot judgement “Manushaqe Puto and others v Albania” and Driza Group judgements of the ECtHR.*** The working group has been set up by order of Prime Minister in December 2013 and it completed its work in February 2014.

The working group composed by representatives of all institutions and ministries involved in the restitution/compensation process: chaired by the Deputy Minister of Justice, it further consists of Deputy Minister of Finance, Deputy Minister of the Interior, Deputy Minister of Economic Development, Deputy Minister of Trade and Entrepreneurship, representative of the Office of the Prime Minister, General State Advocate, Director of Agency for Restitution and Compensation of Properties (ARCP), Director of Agency for Legalisation, Urban Planning and Integration of Informal Areas/Zones (ALUIZNI), General Director of the Immovable Property Registration Office (IPRO). The working group completed this task in less than two months (31 December 2013 – 24 February 2014). In preparing the Action Plan, the working group was assisted by the Department for the Execution of Judgments of the European Court of Human Rights within the Council of Europe, through frequent video-conferences, meetings and discussions, including during the mission of its delegation to Tirana on 13-14 February 2014. The working group drafted an action plan which was submitted to the 1193 CM-DH meeting in March 2014.

The Government of Albania has already drafted and approved by decision of the Council of Ministers No. 236 dated 23.04.2014 the action plan for the Manushaqe Puto pilot judgment and Driza Group.

**5.6.b. *Inter-institutional working group for identification of problems and necessary improvements of legal procedures linked to the distribution of ownership certificates over agricultural land.*** The working group has been set up by order of Prime Minister in December 2013 and it shall complete its work in May 2014

**5.6.c. *Inter-ministerial committee for the initiative and coordination of the process of drafting of a national comprehensive plan.*** The Committee chaired by the Prime Minister was established in November 2013 and it is convened on regular monthly basis.

The Committee was established by Order No. 221, date 25.11.2013 of the Council of Ministers and it is chaired by Prime Minister. The National Agency of Territory Planning is the technical secretariat of this Committee.

**5.6.d. Pilot project for online access of ARCP and ALUIZNI in the digital system of CIPRO for the cadastral areas entered into the system.** The project aims at reducing, facilitating and eliminating bureaucracy in the procedures of verification of the legal status of properties during the activity of the respective agencies. The projects started in January 2014 and it is in the pilot phase which will be completed in May 2014.

The project for online access to the digital system of CIPRO from the ARCP and ALUIZNI, the development of services and the respective interface for allowing access according to respective agencies' requests is completed.

The service provides searching of digital information in the electronic database of CIPRO, based on owner's name, surname, property data, documents map and interactive map.

Actually, there have been registered two users for testing for the Property Restitution and Compensation Agency ARCP, and one user for testing for the Legalization, Urbanization, and Integration of Informal Areas/Constructions Agency ALUIZNI.

On the technical side, the service is in use and is functioning.

<i>Status: Accomplished 100%</i>
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**5.6.e. Inter-ministerial group for identification and verification of the agricultural land fund made available to the ACRP for in-kind compensation.** The group shall be set up by order of the Prime Minister, in April 2014, for duration of six months.

Deadline: April 2014 – October 2014

By order of the Prime Minister were raised two inter-institutional working groups under the direction of the Deputy Prime Minister. These working groups were tasked with the identification and submission for approval to the government, of the natural agricultural land fund of 23 thousand hectares, and to do the inventory of those public and state properties, which will be made available to the physical fund for compensation.

In close collaboration with the CIPRO, ASIG, Ministry of Interior, Ministry of Agriculture and Ministry of Economy and Entrepreneurship, was established for the first time a natural fund for compensation of the owners, identified in the field, materialized geographically on maps and verified in the legal status as government property with no conflicts.

Simultaneously, the Agency has been working in the identification, verification of the legal status of the state properties made available so far to the Owners Physical Fund, while

performing the initial procedural steps for the booking of the fund with a clean “government” legal status near the LIPRO.

*Status: Accomplished 100%*

**5.6.f. Inter-ministerial group for improvement of the legislative situation in property area.** The group shall be set up by order of the Prime Minister, in April 2014 (see objective 5.4.a.).

The update information is provided in the objective 5.4.a. above.

**5.6.g. Inter-ministerial group for identification of state-owned property to be used for in-kind compensation.** The group shall be set up by order of the Prime Minister in April 2014.

By order No. 154 date 17.04.2014 of the Prime Minister was established the inter-institutional working group composed by representative from the Ministry of Urban Development and Tourism, Ministry of the Interior, Ministry of Environment, Ministry of Agriculture, Ministry of Defence, Ministry of Finance the Director of ALUIZNI, Director of ARCP, Director General of CIPRO. The working group is chaired by the Deputy Prime Minister.

## Objective 5. Reviewing the compensation formula and forms

### Measure 5.1 “*Providing a realistic compensation formula (ARCP part of the working group)*”

Through the compensation registry, during data processing for the estimation of the financial invoice, the working groups have positioned the surfaces recognized with above decisions, according to the cadastral zones and their allocation to the respective cadastral voices (plot land, agricultural land, forests meadows and pastures). Further, was conducted the calculation of the value of compensation for expropriated entities that have applied to the ARCP, through the multiplication of the surface recognized for compensation by the decisions of the committees (CRCP, RCRC & ARCP) with the minimum per square meter according to the value of the Land Value Map, approved by DCM no. 514 dated 30.07.2014 "On the approval of the property value for each District of the Republic of Albania", in total amounting to 814 billion ALL.

By drawing the financial bill and having a clear account of the decisions, their complex nature, and several options for compensation formula were proposed. They were discussed with World Bank experts who assisted the ARCP in this important task. Following the analysis, several recommendations emerged, which in turn in March were discussed again with the COE-World Bank working group in a three-day mission of their experts near the ARCP.

DH-DD(2015)523 : distributed at the request of Albania / distribué à la demande de l'Albanie.

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers. / Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Now we have presented the best and most thoroughly reviewed, analysed and effective proposal, which was included in the draft law.

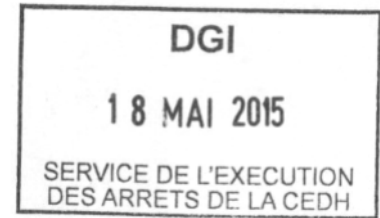
*Status: Accomplished 100%*

## **6. Conclusion**

Albanian Government, within September 2015, will update the Committee of Ministers on the implementation of the measures of the present action plan, in regard to approval by the Parliament of the presented draft law “*On the treatment (management) of property and completion of the process of restitution and compensation of property*”.



**REPUBLIC OF ALBANIA**  
**National Assembly**



**DRAFT LAW**

No. \_\_\_\_\_/\_\_\_\_\_

**ON THE TREATMENT OF PROPERTY AND FINALIZATION OF THE PROCESS OF  
COMPENSATION OF PROPERTY**

Pursuant to articles 41, 78, 83, paragraph 1, and article 181 of the Constitution, with the proposal of the Council of Ministers, the National Assembly of the Republic of Albania,

**DECIDED:**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**

**Object of the Law**

The scope of this law is:

- a) The regulation and provision of a *just* compensation pursuant to the criteria of Article 41 of the Constitution, on the property rights issues raised from the expropriations, nationalizations or confiscations;
- b) The establishment and management of the Compensation Fund, which shall be used for the compensation of properties;
- c) The establishment of the procedures for the treatment of property and finalization of the process of compensation of properties, as well as the administrative bodies in charge of the application thereof.

**Article 2**

**Purpose**

The purpose of this Law is:

- a) To finalize, pursuant to this law, the process recognition and restitution of property, for entities expropriated under any legal/secondary acts, criminal court decision or expropriated by any other unfair means by the state from 29.11.1944;



- b) To regulate and fairly reward on property compensation, to enforce the final decisions on compensation, as well as finalize the process of compensation, within the deadlines specified in this law, through the administration of the compensation fund.

### **Article 3** **Scope of Application**

1. This law acts on all applications that are under review to the ARCP, on the day of entry into force, as well as on all those applications, which will be submitted within the deadlines of this law, regarding the recognition of the right to property.
2. This law extends its effects, even on the evaluation and execution of all decisions on the recognition of the right to compensation, issued by administrative or judicial authorities, including cases under review in the courts of all tiers, in the Supreme Court as well as the European Court of Human Rights.

### **Article 4** **Properties that are exempt from treatment**

Are not subject to the provisions of this law:

1. properties obtained as a result of the implementation of Law no.108 dated 29.08.1945, on the "Agrarian reform", with subsequent amendments;
2. expropriations with a fair compensation pursuant to the provisions of the time.
3. properties donated to the state for which official documents are present.

### **Article 5** **Definitions**

For the application of this law, the terms herein shall have the following meaning:

1. **"Property Management Agency (PMA)"** is a public legal person, dependent on the Council of Ministers, which exercises the duties given thereto under this law.
2. **"Expropriated Subject"** means legal or natural persons or their heirs whose property was nationalized, expropriated, confiscated or taken in any other unjust way by the state.
3. **"Compensation"** means *just* compensation provided according to the procedures herein. The compensation means are "Financial compensation", "Physical compensation from the Land Fund" and "Physical compensation at the property recognized to the expropriated subject".
4. **"Financial Compensation Fund"** is a special fund within the meaning of Article 7 of Law no. 9936, dated 26.06.2008 on the "Management of the budgetary system in the Republic of Albania", which is used for the financial compensation of expropriated subjects, who have been recognized the right to compensation.

5. **“Land Fund”** is the physical property fund with a state owned legal status, which by a decision of the Council of Ministers or the PMA, is made available for the physical compensation of expropriated subjects possessing a final decision on compensation.
6. **“Property”** is an immovable property under the definitions given in the Civil Code.
7. **“Land plot”** is the land located within the boundaries of cities and residential areas at the time of expropriation. When the residential area had no boundaries, a land plot is considered the surface of land occupied by a building constructed thereon and the functional yard. The surface of the latter is calculated as three times the surface of the building, however not more than 500 square meters.
8. **“Land”** means the agricultural land, forestland, forests, meadows and pastures, barren land and the land plot.
9. **“Agricultural land”** means land that is located outside the boundaries of cities and residential areas at the time of expropriation, and does not constitute another category of land.
10. **“Building/Facility”** includes buildings and engineering structures, entitled as such under the legislation in force.
11. **“Industrial plot”** is the land surface area which was outside the boundaries of cities and residential areas at the time of expropriation, on which were built permanent construction facilities for economic purposes or serving their functions.
12. **“Alienation”** is the assignment of a property title or other real rights from a natural or legal person to another, as provided under the Civil Code;
13. **“Cadastral index”** is any kind of property and the record indexes covered herein, which are land plot, agricultural land, forest, meadow and pasture.
14. **“Cadastral area”** means the division of properties under the map of the Immoveable Property Registration Office.
15. **“Value map”** means the decision of the Council of Ministers “On adoption of the immovable property value for each Region of the Republic of Albania”, which is applicable at the moment of entry into force of this Law.
16. **“Restitution”** means the surface of the property, which is decided upon to be restituted to the expropriated subjects through final decisions before entry into force of this law.
17. **“Assessment/Evaluation”** is the financial assessment that the Agency makes to the final decision on compensation according the provisions herein.
18. **“Final decision”** is any administrative or judicial decision, which is not subject to a control and review procedure by a higher administrative or judicial authority.

19. **“Decision on restitution/compensation”** are the decisions of the former Commissions on Restitution and Compensation of Property, the Regional Local Commissions on Restitution and Compensation of Property and the Agency on Restitution and Compensation of Property.
20. **“Responsible structures”** are all bodies established by the legislation in force at the time, responsible to act in the area of property restitution and compensation.

## **CHAPTER II RULES ON COMPENSATION**

### **Article 6 The rules on the compensation process**

1. For the finalization of the compensation process, all final decisions will be subject to assessment, as follows:
  - a) For the final decisions, the property recognized for compensation shall be evaluated pursuant to the property value map at the time of entry into force of this law, based on the cadastral index the property had at the time of expropriation.
  - b) For the final decisions, the property restituted pursuant to the previous laws, or compensated in nature is evaluated pursuant to the property value map at the time of entry into force of this law and the property's current cadastral index.
2. The amount of compensation that will be awarded to the expropriated subjects will be the calculated value of the property recognized for compensation under Article 6/1, letter "a" of this law.
3. In the mixed final decisions with restitution or compensation in nature, other than the financial or undefined forms of compensation, where there is an assessment under both letters "a" and "b" of Article 6 paragraph "1" of this law, the value of compensation is equal to the difference between the total value of the recognized property calculated under 6/1/a and the value of the property restituted and/or compensated in nature, calculated under 6/1/b.
4. When the PMA proceeds simultaneously with the decision on recognition and compensation in nature, the obligation is calculated under item 6/1/a and the value of the property compensated in nature is calculated under letter "b" of Article 6 paragraph 1 of this law.
5. The property of the former owner, recognized under paragraph 4 above, free from any obligation and in excess, is transferred through a decision of the PMA to the physical compensation fund, for use in compensation of other owners.
6. In the evaluation under paragraph 1, letter "a" of this article, if near the property that is to be compensated are situated some identical cadastral indexes to the one of the origin of the property, with the same distance and different values, the area with the highest value is taken as a reference for the evaluation.

7. The evaluation on all final decisions is performed while taking as reference the cadastral index pursuant to the origin of the property, located at the nearest of the property that is to be compensated.
8. The compensation will be carried out through the financial assessment of the final decisions by part of the PMA, pursuant to the rules set by this law.
9. All final decisions that have recognized the right to compensation, and those that will be taken until the conclusion of the process pursuant to this law, shall be enforced while respecting the provisions of this law.
10. The PMA, in the financial evaluation of the compensation decision will subtract from the assessed compensation amount the value of shares, bonds, financial compensation or any other form of compensation that the subject or his heirs have been previously awarded.
11. For the decisions on compensation determined in value and still unenforced, for the period from the time of recognition of the right to compensation to receiving the actual compensation, the expropriated subjects will benefit from indexation according to the official value of inflation and banking interest, according to the annual means issued by the Bank of Albania at the time of entry into force of this law.

## **Article 7**

### **Evaluation Methodology**

1. The financial assessment of the final decisions on compensation shall be performed by financially assessing the property recognized for compensation under Article 6 of the law, proceeding as follows:
  - a. Through compensation in nature in the recognized property, when possible;
  - b. Through financial compensation;
  - c. Through compensation in nature in a different property, part of the physical compensation fund;
2. If the evaluation of the property recognized for compensation is greater than the evaluation of the property restituted or compensated in nature, then the subject is awarded as compensation the difference, pursuant to the provisions of this law and in one of the other forms specified by the law.
3. In the event that a final decision has not held on the compensation of property, then the decision and relevant documents are filed according to the rules of the legal/normative framework "On the archives".

## **Article 8**

### **Compensation and Evaluation Forms**

1. Expropriated subjects are subject to the compensation procedures pursuant to the provisions of this law, based on final decisions on recognition and compensation;
  - a) in cash;
  - b) in immovable property owned by the state.
2. The process of evaluation of the property to be compensated under this article has as a subject:
  - a) the land;
  - b) the buildings/facilities.
3. The base Indicators on the value of property are assigned separately for land and buildings/facilities. When a property is a merger of the land and the building/facility, its value is calculated per unit, as the summary of the values of the facility and the land on which it is built.
4. The value of the property to be compensated, is calculated pursuant to Article 9 of this law based:
  - a. For the land, on the value map;
  - b. For facilities, on the decision of Council of Ministers on the assessment methodology for immovable properties in the Republic of Albania.

## **CHAPTER III**

### **THE COMPENSATION FUND AND PROPERTY RESTITUTION PROCEDURE**

#### **Article 9**

##### **Properties Compensation fund**

1. The properties compensation fund is a fund available for the compensation of final compensation decisions, as defined herein, which comprises:
  - a) The financial compensation fund;
  - b) The land fund.
2. The Compensation Fund is untouchable. No administrative or judicial authority may dispose of the fund, apart from the subjects mentioned in this law for its administration.

#### **Article 10**

##### **Financial fund for compensation**

1. The financial fund of compensation is considered a special fund, in the meaning of Article 7 of Law no. 9936, dated 26.06.2008 "On management of the budget system in the Republic of Albania".

The procedures for the proposal and adoption of the budget thereof are the same as the ones applicable to the law on State Budget and are presented to the National Assembly together for approval.
2. The property compensation fund is used for the compensation in value of expropriated subjects whose compensation right is recognized through a final decision.
3. The sources of the property compensation fund are:
  - a) Income from the State Budget for the compensation of properties;
  - b) Income from the sale at auction of state-owned properties which are part of the land fund;

- c) Other income which, under special laws or bylaws is transferred in the account of the property compensation fund, and
  - d) income from various donors;
- 4. The property compensation fund is managed by the Properties Management Agency in a special Treasury account at the Bank of Albania. The resources constituting the properties compensation fund, under paragraph 3 of this article, are cashed and administered, as per their nature, through the treasury system.
- 5. Notwithstanding the rule provided under Article 5 of the Law no. 9936, dated 26.06.2008 “On management of the budget system in the Republic of Albania”, the balance of monetary values, unused in the property compensation fund at the end of a budget year, in the separate account in the Bank of Albania, is deferred in the account for the subsequent year.
- 6. The accounts of the property compensation fund are reported to the National Assembly as part of the annual consolidated reporting on the State Budget implementation.
- 7. The expropriated subjects holding a final compensation decision benefit from compensation from the compensation fund to the extent and under the manner defined herein.

## **Article 11**

### **Allocation of the financial compensation fund**

1. The State budget approves annually a financial fund of not less than 5 billion ALL a year, which will be administered by the Agency, for the implementation of the property restitution process.
2. The PMA publishes in its official website and /or the media a list of entities that benefit from the property compensation fund in the respective period.
3. The PMA, based on the list of beneficiaries of the properties compensation fund, opens bank accounts for the beneficiary entities in one of the second-tier banks and attaches them to the assessment file.
4. The Agency, depending on the funds available, allocates the amount of compensation to the defined subjects by transferring the sum to the bank deposit opened for such purpose. The final decision on compensation shall be considered enforced at the time of allocation of the full value in the relevant bank account.
5. The payment of amount deposited in favor of beneficiary entities shall be performed by the second tier banks after all legal documents required to make the payments are submitted.

## **Article 12**

### **The Land Fund**

1. The Land Fund consists of:
  - a. The Physical Property Fund with a state owned legal status made available through a Council of Ministers Decision.
  - b. The Physical Property Fund with a state owned legal status, which through a decision of the PMA, pursuant to Article 6/5 of this law becomes part of the land fund based on the rules established in this law.
2. The land fund is financially assessed by the PMA based on the value map as provided under paragraph 15 of Article 3 of this law.
3. The PMA carries out the financial assessment of such fund:

- a. Within 30 days for the fund which is made available through a Council of Ministers Decision;
  - b. Immediately after taking the decision, for the fund which is made available through the PMA decision, based on article 6 of this law.
4. This fund is published near the PMA premises and on the official website immediately after carrying out of the evaluation procedure.

### **Article 13**

#### **The Auction for the Land Fund**

1. The PMA, in order to increase the financial resources for the real properties compensation fund, organizes an auction for the sale of a property, part of the land fund. All owners holding a compensation decision assessed by the PMA can participate in the auction. The entities holding an assessment of compensation decision can participate in the auction if they express their will to benefit from the physical compensation fund.
2. If the auction sells a property recognized to a former owner subject, he enjoys priority in purchasing compared to the other subjects.
3. In case the auction for the sale of property pursuant to paragraph 2 fails twice, for subjects holding a final compensation decision, the PMA performs a public auction for the sale of such property. The PMA organizes the auction in compliance with law no. 9874, dated 14.02.2008 "On public auction". During the auction procedure, the PMA shall not, in any case, sell the property with the prize value lower than its initial assessment made pursuant to paragraph 3 of Article 12.
4. The Income gained from the sale at auction of the properties, part of the land fund are transferred to the Financial Compensation Fund and are used for the financial compensation of subjects, under the provisions of this law.

### **Article 14**

#### **Physical compensation cases**

1. In case that after the public auction, under the provisions of Article 13 herein, the property is not sold, it is used for the physical compensation of subjects holding a final compensation decision.
2. The PMA shall publish for a 45 day period the property to be used for physical compensation, and during such period it awaits for applications from the entities holding a final compensation decision. Upon the termination of such 45 day term, the PMA shall, within 30 days, announce the applying beneficiary subject, according to the priority line defined in paragraph 3 of Article 15 of this law, and proceeds with the procedures for the physical compensation of the latter.
3. In the event that at the conclusion of this procedure the physical compensation fund is not entirely used, the PMA disposed directly with a physical compensation decision pursuant to the norms of Chapter IV "Examination of untreated applications".
4. The rules and procedures are determined by decision of the Director General of the PMA.

## **Article 15**

### **Deadlines on the evaluation of the compensation decisions**

1. The PMA, within a period of 5 years from the entry into force of this law, will financially assess, pursuant to this law, all final decisions recognizing the right to compensation.
2. If the Agency does not comply within this period of 5 years the obligation to assess all the decisions recognizing the right to compensation, the subjects may address the Tirana Administrative Court of First Instance, to carry out the evaluation pursuant to this law.
3. Priority on evaluation shall be given to final decisions that are older, and the evaluation shall begin in chronological order from older dating final decisions to newer ones.

## **Article 16**

### **Registration of compensation decisions, means, deadlines and procedures on the financial compensation of owners**

1. The PMA, within 6 months from the date of entry into force of this law, shall publish a register of all final decisions recognizing the right to compensation of property for expropriated subjects. The register must contain information on the missing documents in the decision folder. The registry is made public by the PMA.
2. Interested subjects may complement the submitted documentation absent from the PMA, necessary for the financial assessment of the compensation decision, within a period of 6 months from the date of publication of the registry.
3. The necessary documentation for the financial evaluation of the compensation decisions is approved by decision of the Director General of the PMA and is published through the appropriate means.
4. If interested subjects do not submit any documentation necessary for the financial assessment of the decision within a period of 6 months, the Agency shall evaluate these decisions with the minimum price specified in the value map for that administrative unit (municipality/commune municipality) and for that property category.
5. The subjects' compensation starts immediately after the decision on the evaluation becomes final. The evaluation becomes final when:
  - a) The deadline defined in section 3 of article 18 of this law has passed and there has been no appeal;
  - b) When the interested subjects declare that they will not appeal,
  - c) Or in cases of appeal, and the review in courts at all instances including the Supreme Court has been completed.
6. The process of payment on all final decisions that recognized the right of compensation shall be completed within a period of 10 years from the entry into force of this law.
7. The reward for compensation purposes is not subject to any fees, taxes or deductions.

## **Article 17**

### **Treatment of cases with overlapping**

1. In cases where are recorded overlapping of the right to compensation, the PMA makes the appropriate assessment, pursuant to this law.



2. The Agency proceeds with the procedures for the enforcement of the decision for the parts that do not overlap. For the overlapping parts, the Agency submits the relevant value in a separate bank account, which after settlement of the issue of overlapping is paid to the subject. The parties may settle the case of overlapping through agreement or through judicial means.

### **Article 18**

#### **Appeal against the assessment**

1. Any interested party has the right to appeal against the assessment of the Agency which establishes the value of the property, to the Court of Administrative Appeal, within 30 days of the publication, and only for the amount of compensation value.
2. The Agency publishes the decisions through the appropriate means.
3. Upon the termination of the 30 days term, if the interested subject has raised no appeal, the assessment of the final compensation decision is enforced by the Agency pursuant to the provisions of this law.

## **CHAPTER IV**

### **EXAMINATION OF UNHANDLED CLAIMS**

#### **Article 19**

##### **Unhandled Claims**

1. Applications submitted before the entry into force of this law, as well as applications submitted within the time limits specified in this law, if the property is not categorized in the properties specified in Article 4 and Article 23 of this Law, shall be subject to the treatment of the property through the recognition of the right of the expropriated subjects through a decision of the PMA, and their compensation under this law. In any case, where possible, priority is given to compensation in nature at his own property.

#### **Article 20**

##### **The compensation in nature at the property of the expropriated subject**

1. Expropriated subjects are recognized the right of ownership and are physically compensated real estate without limitation, except for agricultural land, which in case it is considered free is physically compensated up to 100 hectares and on the rest is applied financial compensation;
2. If the expropriated subject (his heirs) has benefited from the implementation of Law No. 7501, dated 19.07.1991 on "the Land", then the value of land that is physically compensated in the recognized land or in any other way, is calculated as the difference between the value that he would have benefitted in the conditions of not benefiting from the application of Law No. 7501, dated 19.07.1991 on "the Land" and the value for the surface that each of the subjects or their heirs have benefited from the implementation of this law.
3. In case that the alleged property is categorized as property that can not be physically compensated and the expropriated subject (his heirs) has benefited from the implementation of Law No. 7501, dated 19.07.1991 on "the Land", then to the value of

compensation under this law, is deducted the value of the property for the surface on which each of expropriated subjects or their heirs have benefited from the implementation of law No. 7501, dated 19.07.1991 on "the Land".

4. In any case, in determining the value of the property for compensation, is taken into consideration every deductible benefit in the amount of compensation according to the article 6 of this law.
5. The expropriated subjects are physically compensated, according to the criteria of this law even on real estate, land located within the tourist territories, where these properties are not occupied, as determined by letter "b", paragraph 1 of Article 23 of this law.
6. The expropriated subjects are physically compensated the real estate owned or under the administration of state institutions that are outside the destination of their activity and do not perform a public function.
7. The plot of land occupied by state-owned buildings, on which permanent and legitimate state owned buildings have been constructed, is treated under the provisions of this law.
8. The expropriated subjects, whose properties were flooded by the construction of hydro energetic power plants are treated under the provisions of this law, unless they have benefited under the law on "Expropriations for public interest".
9. Expropriated and compensated subjects under the laws in force are entitled to benefit from this law only as so far as the part of the property which is unrestituted or uncompensated.
10. Orchards and vineyards, property of expropriated subjects, whose lands are not registered as agricultural land shall be considered as such for the purpose of compensation, according to this law. Following the verification of their ownership, they will be converted into agricultural land, based on the coefficient to be adopted by the Council of Ministers.

In cases where one or more heirs have benefited from the law No. 7501, dated 19.07.1991 on "the Land" the division and positioning of their respectively owned parts is established through an agreements between the heirs.

## **Article 21**

### **Right of First Refusal**

1. If cases where the ownership or management of state objects built on land recognized for compensation with a final decision determining the the right of first refusal, is transferred to another state institution, the right of first refusal is not extinguished.
2. For immovable properties occupied by state objects, the expropriated subjects have the right of first refusal for these objects, when they are privatized. The expropriated subjects have the right to waive the right of first refusal against compensation according to the rules specified in this law, within 6 months from the publication of the Register, according to this law. This term is preclusive.
3. The right of first refusal is recorded near the Immovable Properties Registration Office.

## **Article 22**

### **Land granted for use**

1. The lands granted for use, leased or in any other means by the state, when free in the meaning of article 23 of this law, are to be physically compensated to the expropriated subject according to the conditions and criteria set forth in this law. The beneficiary is obliged to respect the existing legal relationship in relation to the law.

## **Article 23**

### **Lands occupied by illegal buildings**

1. For applications made on properties located in areas declared as informal through laws or bylaws, interested subjects are entitled to compensation of property, according to the criteria of this law.
2. For the applications submitted to the PMA on properties situated in formal areas, the property is treated under the provisions of this law. However, the subject former owner has the right to waive the right of priority for physical compensation in his property against another form of compensation.

## **Article 24**

### **Properties not subject to Physical Restitution**

1. The immovable properties serving a public interest are not subject to physical compensation and the same applies to those:
  - a) Serving to the fulfilment of obligations of the Albanian state, which arise under treaties and conventions to which our country is a Party;
  - b) Occupied pursuant to legal acts, provided in Annex 1 of this law.
2. In case the properties, referred to in paragraph 1 of this article, are proposed to be alienated, they are transferred to the expropriated subjects when the latter are not compensated for that property. In these cases the properties are compensated pursuant to this law.

## **CHAPTER V**

### **STATE BODIES IN CHARGE OF THE PROPERTY TREATMENT PROCESS**

## **Article 25**

### **Property Management Agency**

1. The Properties Management Agency (PMA), a legal public entity, dependent on the Council of Ministers, hereinafter referred to as the PMA, with the headquarters in Tirana, shall be in charge of the implementation of this law.  
The PMA carries out the following tasks and duties:
  - a) Finalizes within the legal deadline the review of the applications of the expropriated subjects on the treatment of property for which no decision has been held, while checking, evaluating and confirming:
    - i. The entire documentation submitted by the expropriated subjects and the compliance thereof with the criteria provided under this law;

- ii. The accuracy of documentation submitted by the expropriated entities, by checking thereof with the laws and bylaws or judicial decisions, in compliance with article 2 herein, which have been used as a basis for expropriation, nationalization, confiscation or unfair appropriation of property by the state.

Following the examination, assessment and review of claims, pursuant to the definitions of the above letter “a” clause “i”, the Director General of the PMA issues a decision within the term defined in Article 31 of this law on:

- Dismissing the claim;
  - Recognition, as appropriate, of the right of ownership, physical compensation within the boundaries of the recognized property or compensation from the land fund or the financial compensation for the property and other real rights, pursuant to this law.
- b) Accepts, reviews and assesses the applications to benefit the recognized right to compensation, according to this law and bylaws in force.
  - c) Verifies and calculates the financial obligations of the state towards expropriated subjects or third parties, under the provisions of this law.
  - d) Deposits for registration near the registers of immovable property all the decisions dealing with property.
2. The Director General of the PMA, within 30 days from the entry into force of this law shall adopt the list of documents required for the assessment in cash of the final compensation decisions.
  3. Within 6 months of the entry into force of this law, an Inter-institutional commission which will lead the work on the identification of state property that can be transferred and become part of the property compensation fund and after identification, propose to the Council of Ministers the transfer of these properties to the Land Fund. The PMA performs the role of Technical Secretariat of the Commission.
  4. The PMA, in order to perform its duties provided in this article, shall collaborate with the institutions which have under administration state-owned or public property. The Council of Ministers shall establish, no later than 1 month from the entry into force of this law, the sanctions in case of breach of terms and default in replying with accountability from institutions administering the property and the legal information on it.
  5. The organization and functioning of the PMA is established through a decision of the Council of Ministers.
  6. The charges for the procedures of compensation of properties are established under a joint order of the Minister of Justice and the Minister of Finance.

## **Article 26**

### **Treatment of applications**

1. The PMA reviews the submitted applications, which are unhandled pursuant to the norms of this law. Following the entry into force of this law, the interested subjects are provided with a preclusive deadline of 6 months for applications relating to the recognition of the right of property. This deadline can not be extended or reinstated by the judiciary or any other administrative authority.
2. The PMA shall review all applications for compensation under the procedures and terms provided for in Chapter III of this law.
3. Pursuant to this law, all applications based only on proof of legal fact, in terms of Article 388 of the Code of Civil Procedure, are rejected by the PMA through a decision.

4. The PMA during the review of the unhandled applications applies the rules established by this law and during treatment performs the evaluation of the property pursuant to Articles 6 and 7 of this law.
5. The Director General of the PMA, for the implementation of the responsibilities delegated by this law, holds through decisions. The decisions given by the Director General of the Agency, under this article shall be in writing, reasoned, signed by the head of the institution and shall fulfill the requirements on the administrative act, provided by the Code of Administrative Procedure of the Republic of Albania. When the decision is not appealed within the deadline provided by this law, it constitutes an executive title.

## **Article 27**

### **Procedures for collection, processing and administration of the acts of the expropriated subjects during the processing of the applications**

1. The collection, processing and management of the expropriated subjects' acts during the applications handling process, is performed according to these procedures:
  - a. For the new applications, which will be deposited from the date of entry into force of this law until closing of the preclusive period of six months, the expropriated subjects shall meet the following requirements:
    - i. The form for applying for recognition and compensation, which must be signed by the expropriated subject or his authorized representative. The form contains a warning that the law assigns responsibility to the applicant in case of declaration of false facts or deposit of forged documents.
    - ii. Legal documentation
    - iii. Cartographic documentation pursuant to the requirements to be set for their submission.
  - b. For the applications submitted for handling before the entry into force of this law and with no decision, the PMA immediately begins their review as follows:
    - i. Within 30 days of the entry into force of this law, it creates the register of applications lacking a decision based on the chronological order of their application to the responsible structures, at the time of their submission based on the regional level.
    - ii. Within 90 days of the entry into force of this law, starts the process of notification of the expropriated subjects on the documentation that must be completed according to the requirements set forth by the decision of the Director General of the PMA pursuant to the priority specified in paragraph 3 of Article 15.
    - iii. The procedures for collection, processing and managing of the acts of the expropriated subjects during treatment of the applications are subject to the provisions of the Administrative Procedure Code.
2. The Director General of the PMA, within 30 days of the entry into force of this law, adopts the standard form referred to in point 1/a/i of this article, and within 60 days adopts the requirements for eligibility for unhandled applications under paragraph 1/b/iii of this article.
3. Every expropriated subject has the right to be issued, by the Office of Protocol of the PMA the relevant certification for the protocol number of the registered file, which shows the date of submission of the application and its documentation.
4. The applications of the expropriated subjects, which are deposited through the postal service and have lacks in their accompanying documentation, which makes it impossible

to evaluate them shall be returned to the applicant at the provided address, requesting the detailed complement of the documentation. The application, which lacks the correct postal address, is deemed as not grounded and is reactivated only with the interest of the applicant near the offices of the PMA. At the time of determination by the relevant structures of the PMA, is made a public announcement near the premises of the PMA and the local government units, where the property subject to a claim is situated. The application of the interested subject is accepted within 3 months from the date of determination, otherwise the application of the subject is not accepted, through a decision of the Director General of the PMA.

5. The PMA shall receive and administer the applications of the expropriated subjects against the tariffs determined by the joint order of the Minister of Justice and Minister of Finance.

## **Article 28**

### **Appeal**

The interested parties and the State Advocate Office have the right to file an appeal against the decision of the PMA on the recognition of the right, within 30 days from notification of such decision, to the Tirana Court of Appeal, pursuant to the rules of the Code of Civil Procedure of the Republic of Albania.

## **Article 29**

### **Registration of the decision**

1. When the decision taken under this law becomes final, the Agency or any interested party addresses it to the Immovable Property Registration Office for registration.
2. Regarding the decisions that have not been provided with a final form due to amendments to the law, the Agency makes the necessary verifications if there has been an appeal within the legal deadline, otherwise the Director General of the PMA provides it with a final form.
3. The decisions on the right of first refusal option, which have been verified by the Agency following the completion of the register, are to be sent to the Immovable Property Registration Office for registration within 18 month from the entry into force of this law. The Office shall record them without applying any fines, interests or charges. The interested entities are responsible for the submission of relevant necessary documents required by the Immovable Property Registration Office to support the registration of the decision. The same applies to the compensation decisions.
4. Any court decision amending the PMA decision on restitution/compensation or the value of compensation is notified to the Agency and is recorded in the relevant decisions register, which is kept by the Agency. This register is coordinated with the current register of decisions of the PMA and other previous agencies responsible for restitution and compensation of property.

## **CHAPTER VI**

### **FINAL PROVISIONS**

#### **Article 30**

##### **Transitory provision**

1. With the entry into force of this law the Agency on Restitution and Compensation of Property is transformed into the Property Management Agency,
2. The structure of the PMA is adopted by the Council of Ministers within 1 month from the entry into force of this law. Until the adoption of the structure, the PMA shall function according to the existing structure.
3. The administrative documentation files, which are being examined and reviewed by the ARCP, shall be transferred for their administration and further follow-up by the PMA.
4. The archives, the means of work and logistics of the ARCP offices, established and administered according to the law, are transferred under the administration of the PMA.
5. The budget funds planned for the Agency on Restitution and Compensation of Property, upon the entry into force of this law, are transferred to the accounts of the PMA.

#### **Article 31**

##### **Applications for treatment of the surface left untreated through previous decisions due to legal limitations of the time**

1. Applications submitted, based on article 22 of Law No. 9235, dated 29.07.2004 for "The restitution and compensation of property" will be preceded in the manner, form and conditions provided by the law.

#### **Article 32**

##### **Deadline for finalization of the process**

The process of examination of the files submitted before the entry into force of this law and which are still under review by the Agency shall be finalized within three years from the entry into force of this law. The process of allocation of property compensation fund shall continue until all former-owners holding a final compensation decision are compensated under the provisions of this law.

#### **Article 33**

##### **Retention of Documents**

Documentation for the process of recognition and compensation of property is retained under the legislation in force on archives. Upon the termination of the process, under this law, such documentation is submitted to the General Directorate of Archives.

## **Article 34**

### **Coordination of the process of property restitution and compensation**

1. The Agency, for the purpose of real property restitution and compensation process, shall coordinate its activity with the Immovable Property Registration Office, the Agency for the Legalization and Urban Planning of Informal Areas and Buildings, the Directorate of Management of Public Property, the State Advocate Office, the State Authority for Geospatial Information (ASIG), the State Archive and any other state institution whose activity is relevant to, or is responsible for this process. Any state institution which activity is relevant or which is responsible for the process of recognition, restitution and compensation of property is obliged to cooperate and provide information or documentation required by the Agency and also to communicate the grounds of failure for not meeting a required measure or recommendation.
2. Within a period of 1 year from the entry into force of this law, Agency digitalizes the cartographic information of all final decisions on property restitution and compensation.
3. The Council of Ministers, through decision, defines the detailed rules on the procedure of cooperation and coordination of the activity of the Agency with other state institutions.

## **Article 35**

### **Bylaws**

Within 6 months from the entry into force of this law, the Council of Ministers shall issue the bylaws necessary for its implementation.

## **Article 36**

### **Abrogation**

Upon entry into force of this law, Law no. 9235, dated 29.07.2004 “On restitution and compensation of property”, Law No. 10239, dated 25.02.2010 “On creation of the special fund for compensation of property”, and any other provisions contrary to this law are abrogated.

## **Article 37**

### **Entry into force**

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

## **ANNEX 1**

1. Law No. 7501, dated 19.07.1991, “On Land”.
2. Law no. 7512, dated 10.08.1991 “On sanctioning and protection of private property and free initiative, private independent activities and privatization”.
3. Decree of the President of the Republic no. 378, dated 2.12.1992 “On granting of studios to painters and sculptors”
4. Law no. 7652 dated 23.12.1992 “On privatization of state dwelling places”;
5. Law no. 7665 dated 21. 1 1993 “On development of areas with tourism priority”;
6. Law no.8312, dated 26.03.1993 “On undivided agricultural land”;
7. Law no. 7698 dated 15.04.1993 “On restitution and compensation of property to former owners”



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8. Law no. 7980, dated 27.07.1995 “On acquisition of lands”
9. Law no. 7983, dated 27.07.1995 “On acquisition of agricultural land, pastures and meadows”;
10. Law no. 8053, dated 21.12.1995, “On assigning the property of agricultural land free of charge”
11. Law no.8337, dated 30.04.1998 “On assigning the property of the agricultural land, pastures and meadows”;
12. Decision of the Council of Ministers no. 452, dated 17.10.1992, “On Restructuring of Agricultural Enterprises”.