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LAW

No 7501, dated 19.7.1991

ON THE LAND

(Amended by Law no. 7715, dated 02/06/1993)¹

(Amended by Law no. 7855, dated 29/07/1994)

(Amended by Law no. 7971, dated 26/07/1995)²

(Amended by Law no. 8752, dated 26/03/2001)³

(Amended by Law no. 9244, dated 17/06/2004)⁴

In reliance on Article 16 of the Law no 7491, dated 29.4.1991 "On the main constitutional provisions", upon the proposal of the Council of Ministers,

PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

(Amended by Law no. 7715, dated 02/06/1993)

The land in the Republic of Albania shall be categorised into:

¹ Further amended by Law no. 763, dated 25/10/1993

² Further amended by Law no. 8039, dated 23/11/1995; Law no 8074, dated 22/02/1996; Law no 8112, dated 28/03/1996; Law no 8767, dated 05/04/2001; Law no 9064, dated 08/05/2003; Law 9372, dated 14/04/2005; Normative Act of CM no 3, dated 23/11/2005; Law no 9609, dated 18/09/2006; Law no 9643, dated 20/11/2006; (The last amended law has been amended by the law no 9800, dated 10/09/2007; Law 10170, dated 22/10/2009; Normative Act no 3, 08/07/2010; Law no 22/2012; Law 131/2012; Law no 182/2014, Law no 47/2017)

³ Further amended by Law no 9244, dated 17/06/2004, (This law was further amended by law no 69/2013, and Law no 131/2014, Law no 10257, dated 25/03/2010; Law no 16/2012; Law no 130/2014.

⁴ Further amended by Law no 69/2013 and law no 131/2014.

- a) arable land cultivating crops, tree plantations, vineyards and olive plantations, where ever they are, in the villages, towns and other communities, regardless of their size;
- b) land covered by forests, pastures and meadows;
- c) non-arable land: those covered by economic, social-cultural buildings, military bases and their surroundings, land occupied by the residing buildings and their surroundings (surrounding walls), land of general use (roads, highways, airports, graveyards); rocky lands, coastal sand surfaces, beaches, land under water (lakes, reservoirs, ponds); various channels, rivers, streams, pebble lands, swamps, squares of buildings and monuments of historic and archaeological interest, as well as the entire other land not falling under letters 'a' and 'b' of this Article.

Article 2

(Amended by Law no. 7715, dated 02/06/1993)

The state grants land to the natural and legal entities. The latter shall enjoy the ownership title on the land surface, as well as the entire rights provided for in this law.

The sale and purchase of land is prohibited.

Article 3

The arable land shall be granted at free or lease hold to the local natural or legal entities free of charge.

Article 3/a

(Added by Law no 7715, dated 02/06/1993)

The owners of the arable land may lease it out to the natural or legal, local or foreign persons. The provisions of the Civil Code regulating the lease contract shall be applied to leasing out the arable land.

Article 4

(Amended by Law no. 7715, dated 02/06/1993)

(Repealed by Law no. 9244, dated 17/06/2004)

Article 5

The member families of the agricultural cooperative shall, following the apportioning of the land, be entitled to get separated and come up as an independent entity, thus obtaining ownership over the arable land belonging to them out of the entirety of the entity they are part of. The size and location where the land shall be granted shall be decided by the land commission.

The state shall, regarding the families of the villages in hills and mountainous zones not being provided with the necessary surface of the arable land, make arrangements and guarantee other living sources through the subsidies, enhancing investments for the employment of the people and establishing the social assistance and controlled movement of the population, based on a program determined by the Council of Ministers.

Article 5/a

(Added by Law no 7855, dated 29/07/1994)

The land commissions of villages shall hand over the documentation regarding the apportionment of the land to the district cadaster section according the foreseen provisions and criteria.

Article 6

The families residing in the village and not being member of the agricultural cooperative and families working and living in agricultural enterprises shall be granted arable land at leasehold, the size of which shall be determined upon the decision of the Council of Ministers.

Article 7

(Amended by Law no. 7715, dated 02/06/1993)

Regarding the granting of the land at free or lease hold to the legal or natural persons, as well as to the effect of avoiding the irregularities, there shall be established: the land governmental commission at the Ministry of Agriculture and Food, the commission for apportioning the land at the district council, commission for apportioning land at the commune and the commission apportioning the land in the village.

The rights and duties of the commissions shall be determined upon the decision of the Council of Ministers.

Article 8

Regarding granting the land at free or lease hold to the legal or natural persons, no previous ownership shall be recognised, neither its size or bounds prior to the collectivisation.

Article 9

The specialised state body regarding the tabulation of the land data shall be the cadaster at the executive committee at the people's council of the district.

Article 10

(Amended by Law no. 7715, dated 02/06/1993)

The land being transferred to the free or lease hold of any legal or natural person shall be registered in the cadaster.

Registered in the land cadaster shall also be any amendment being effected subsequent to the registration.

Where the distribution of the land ownership titles has been completed and any legal or natural person does not consent to obtaining the title certificate, they shall be officially notified in writing within 15 of the completion of distribution of ownership title certificates to obtain it. Where even a month of being notified they do not obtain the certificate or, having obtained it upon declaring in writing that they abandon the land, they shall forfeit the freehold or the leasehold over it. The land shall, in such instances, be available to the state.

Article 11

(Repealed by Law no 9244, dated 17/06/2004)

Article 12

(Repealed by Law no 9244, dated 17/06/2004)

Article 13

(Repealed by Law no 9244, dated 17/06/2004)

Article 14

(Repealed by Law no 9244, dated 17/06/2004)

Article 15

(Repealed by Law no 9244, dated 17/06/2004)

Article 16

(Repealed by Law no 9244, dated 17/06/2004)

Article 17

(Repealed by Law no 8752, dated 26/03/2001)

Article 18

Upon the approval of the design projects and construction sites by the respective bodies, the ownership over the land shall be transferred to those doing the construction, however, not earlier than three months of the initiation of works. The amendment to the cadaster item shall be effected upon the works being initiated.

Article 19

(Amended by Law no. 7715, dated 02/06/1993)

Freehold or leasehold of legal or natural persons over the land shall be abolished upon various constructions or other economic activities being accomplished due to indispensable state needs and following the approval of the respective body. Upon lands being at the freehold of the legal and natural persons being occupied due to such needs, the state shall be obliged to compensate with equivalent land and, upon this being impossible, the investments having been made and the real value of land shall be reimbursed. The disputes regarding the reimbursement rate shall be resolved by the court.

Article 20

(Repealed by Law no. 8752, dated 26/03/2001)

Article 21

(Amended by Law no. 7715, dated 02/06/1993)

The local governance bodies shall, within their scope of jurisdiction, prohibit any occupation or use of land at variance with this law and other bylaw acts for implementing this law. In the event of occupation, damaging and illegal construction by legal or natural persons, the aldermen, commission of apportionment of land, as long as the latter is functional, the

cadaster employee, legal town planning employee and the police officer shall be obliged to make a denunciation regarding the violation of this law.

Entitled to file a denunciation regarding the violations referred to in this Article shall be also with the owners and users of the land being in possession of the act granting the title.

The denunciation shall be made through minutes-taking and it shall be lodged within two days with the commune or municipality council assuming authority over this violation.

The commune or the municipality council shall, within 15 days of obtaining the denunciation, be obliged to convene and decide upon:

- a. releasing and restoring the land to the previous situation within 3 days;
- b. demolishing the building having been built illegally on the land of its territory and restoring the land to the previous situation within 5 days;
(The expenses for restoring the land to the previous situation shall be imposed on the offender.

Proceeded for letter 'a' and 'b' shall be in the instance of amendment of cadaster item as arable land);

- c. imposing a fine of 5 ALL per square meter;
- ç. indemnifying for the economic damage having been sustained by the natural or legal person, to whom the land has been granted in free or lease hold;

Where the land has not been apportioned, the indemnification shall be made to the municipality or commune.

Proceeded in letters 'c' and 'ç' shall be in the instances of land occupation used for arable purposes.

The decision of the commune or municipality council shall be final.

The law and order bodies shall, within their respective jurisdiction, be obliged to enforce the decision of the commune or municipality council within 5 days.

(Amended by Law no 7763, dated 25/10/1993) Upon the offender residing within the jurisdiction of another district, the body having jurisdiction where the offender is residing shall be tasked with the enforcement of the decision determined in Article 2 of this law.

(Amended by Law no 7763, dated 25/10/1993) The decision of the commune and municipality council is a final executive title.

(Added by Law no 7763, dated 25/10/1993) Tasked with the enforcement of the decision of the communal or municipal council according to letter 'c' and 'ç' as long as the offender does not pay the fine voluntarily shall be the enforcement office of the district court, which is to effect the enforcement of the decision within 15 days.

Article 22

Upon the land being acquired, occupied or harmed by a third person, the owner or leaser is entitled to approach the court.

Article 23

(Amended by Law no. 7715, dated 02/06/1993)

The persons behaving at variance with the provisions of this law and with specific provisions of the acts of the Council of Ministers touching upon this issue, not making the protective arrangements, not recuperating the land within the timing set out in the contract, as well as failing to notify the cadaster office within the time lines on the changes to the situation of the lands at free or lease hold while missing out legitimate cause, shall, as long as these violations do not consist a criminal offence, be sentenced for having committed criminal contraventions to a fine ranging from 2000 to 5000 ALL by the head of cadaster office in the district.

A remedy may be filed against this decision within 10 days of the announcement or notification with the head of the executive committee of the people's council of the district, which decision shall be final.

The persons occupying, harming or misusing land at variance with the legal provisions in whatever fashion shall be convicted in accordance with the provisions of the Criminal Code.

Article 23/a

(Added by Law no 7855, dated 29/07/1994)

The commissions proceeding at variance with Article 1 of this law and with the other legal and by-law acts in filling out the documentation of apportioning the land, as long as such actions do not amount to criminal offences, any member of the commission of whatever level depending on the degree of responsibility shall be sentenced for having committed administrative contravention from 2000 to 5000 ALL.

The fines shall be imposed by the head of the district council in the capacity of the head of the district land commission.

The decision shall be final.

Article 24

(Repealed by Law no. 8752, dated 26/03/2001)

Article 25

The arable land being acquired at freehold under this law shall be succeeded under the legal provisions on inheritance about to be approved.

Article 26

Law no. 5686, dated 21.2.1987 "On land protection" as well as all the other by-law provisions running counter to this law shall be repealed.

Article 27

This law shall enter into effect immediately.

PRESIDENT OF THE REPUBLIC

Ramiz Alia

Articles added by amending laws

Article 4

(Added by Law no 7763, dated 25/10/1993)

Ministry of Justice shall be obliged to make additional appointments for bailiffs in each district referring to the needs for enforcing such decisions.

Article 3

(Added by Law no 7855, dated 29/07/1994)

Where even after this measure the head or secretary of the commission do not hand over the documents, they shall be denounced for criminal prosecution by the district lands commission in connection with the abuse of office.

Article 17

(Added by Law no 10 257, dated 25/03/2010)

The Council of Ministers shall be tasked to approve the by-law acts in accordance with Articles 4, 12 and 13 of this law.

Article 1

(Added by Law no 10 257, dated 25/03/2001)

Throughout this law and in other legal and by-law acts the denomination 'Section of Administration and Protection of Land' shall be replaced with the denomination 'Directorate of Administration and Protection of Land (DAPL)'.

Article 2

(Added by Law no 130/2014)

The Council of Ministers is tasked to issue, within 1 month of entry of this law into effect, the by-law acts for the implementation of its Article 1.