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**LAW**  
**No 171/2014**

**ON THE COMPLETION OF LEGAL PROCEDURES FOR THE TRANSFER OF THE ARABLE LAND OF  
FORMER AGRICULTURAL ENTERPRISES TO THE OWNERSHIP OF THE BENEFICIARIES**

*(Amended by Law no 63/2016)*  
*(Updated, 2017)*

In reliance on Articles 78 and 83, par 1, of the Constitution, upon the proposal of the Council of Ministers,

**ASSEMBLY**  
**OF THE REPUBLIC OF ALBANIA**

**DECIDED:**

**Article 1**  
**Scope of the law**

This law aims at completing the legal procedures of the free-of-charge transfer of ownership over the arable land of the former agricultural enterprises to the beneficiaries in compliance with the Law no 8053, dated 21/12/1995 'On the granting ownership over arable land free of charge', as amended, who have not been granted ownership under the conditions and procedures set out in this law.

**Article 2**  
**Field of application**

1. This law is applied for the following entities:
  - a) agricultural families or individuals meeting the following conditions:
    - i) being beneficiaries of arable land under the Decision no 452, dated 17/10/1992, of the Council of Ministers 'On reframing the agricultural enterprises', as amended.

- ii) being residents of the local governance unit and, since 01/10/1992, not having changed their residing location referring to the civil registry on the date of entry of this law into effect; and
    - iii) utilising the land for arable activities, however, having missing parts in the documentation of utilisation or ownership;
  - b) agricultural families or individuals meeting the following conditions:
    - i) they have been relocated from their residing locations and established in the territories of the former agricultural enterprises upon specific decisions of the Council of Ministers, according to which they are beneficiaries of ownership over the arable land, and
    - ii) utilising the land for arable activities, however, having missing parts in the documentation of utilisation or ownership;
2. Exempted from the scope of this law shall be the parcels of the arable land:
- a) of former agricultural enterprises set out in Article 2, of the Law no 8053, dated 21/12/1995 'On the transfer of ownership over the arable land', as amended;
  - b) As long as these parcels:
    - i) have been registered in the register of the immovable properties of the Immoveable Properties Registration Office, as a private property;
    - ii) have been included in the process of legalisation under the law regulating legalisation, town planning and integration of illegal buildings.
    - iii) have been issued the act of obtaining ownership over the land (AMPT), by 15/08/2008, by the commission of land apportionment, regardless whether they have been registered or not in the register of the immovable properties.
    - iv) upon the decision of the Council of Ministers or decisions of KRRTSH/KKT, they do not appear as such. Not falling hereunder are the families or individuals having benefitted arable land as co-founders of the agricultural cooperatives or former agricultural enterprises;
    - v) they are falling under the scope of a request, being examined by the Agency of Restitution and Compensation of Properties, however, not a decision has been rendered yet;
    - vi) they are falling under the scope of judicial conflict, wherefore the local governance unit has become aware officially by the court.
    - vii) they have been leased out based on the law for leasing out the arable land and forests. Meadows and pastures, being state owned and on the bylaws for its implementation, or they have been transferred to the administration of the Ministry of Agriculture, Rural Development and Administration of Waters, with a designation of leasing under the Decision no 45, dated 29/01/2014 of the Council of Ministers, 'On the transfer of the arable land of the former agricultural enterprises and former research and scientific institutions of this ministry, currently available to the Agency of Restitution and Compensation of Properties, to the administration of the Ministry of Agriculture, Rural Development and Administration of Waters

### **Article 3**

#### **Criteria for being provided with the act of taking over ownership over land**

1. The agricultural families or individual are provided with the act of taking over ownership over land according to the conditions and procedures provided for in this law, as long as they are beneficiaries of the arable land in use under the Decision no 452, dated 17/10/1992, of the Council of Ministers 'On the reframing of the agricultural enterprises', as amended, and since the entry of this decision into effect:

a) they use this land for agricultural activities and they are in possession of the act of taking over the possession over the land being issued by 15/08/2008. In such a case the parcel of the agricultural land being granted at freehold shall be equivalent to the land that the possessor has in use, however, never being larger than the parcel being indicated in the act of possession and not larger than the apportion belonging to hem according to the rate per capita being determined by the relevant legislation.

b) they are using the land for agricultural activities, despite not being provided with the act of use. In such a case the parcel of the agricultural land being granted at free hold shall be equal to the land that the possessor has in use, however, under no circumstances larger than the parcel belonging to them, referring to the rate per capita being determined by the relevant legislation.

2. The agricultural families or individuals meeting the conditions provided for in Article 2, par 1, letter 'b', of this law, shall be provided with the act of taking over ownership over the land, under the conditions and procedures determined in this law. The parcel of the arable land being granted at freehold under this Article shall, in such a case, be equal to the parcel of land that the agricultural families or individuals are using for agricultural activities, however, under no circumstances, greater than the parcel belonging to them, under the provisions of the respective decisions of the Council of Ministers.

3. The acts of obtaining ownership over the land being benefitted by the agricultural families or individuals, while earlier not being in possession of any act of obtaining the use over the land or being in possession of an act of obtaining the use over the land, being issued subsequent to February 1996, as well as meeting all the other conditions of the relevant legislation, shall be considered to be valid.

### **Article 4**

#### **Procedure for the entities to be provided with the acts of obtaining ownership over the land**

1. The head of the local governance unit is the responsible authority for following up and completing the procedures for the entities to be provided with AMTP, according to the requirements, criteria and conditions set out by this law.

2. Aldermen of villages, collegial heads, heads of the local governance unit and their administration shall identify, determine and specify the de facto user of the land for agricultural activities, its location, dimensions and adjacent properties for each user, under the by-law acts being issued for the implementation of this law.

3. Identifying the users of the agricultural land for every village of the local governance unit shall be made upon the decision of such council, which decision being made upon three-fifth of the overall number of its members. This decision consists the administrative act for identifying the users of the arable land for each village.
4. The agricultural families or individuals not appearing in the decision of the council of the local governance unit mentioned in par 3 of this Article shall not be provided with the act of obtaining ownership over the land, unless there is a final judicial decision providing for the opposite.
5. The head of the local governance unit shall only initiate the procedure for providing the beneficiary institutions with AMTP upon:
  - a) receiving an official response from the institutions determined in Article 2, par 2, of this law;
  - b) the decision of the council of the local governance unit being made and determining the list of the users of the arable land;
  - c) the decision of the council of the local governance unit being officially forwarded to the institutions dealing with the management and control of the process of the verification of the legal validity of the creation of the ownership titles over the arable land, respectively to:
    - i) Governmental Commission of Land and the technical secretariat attached to it;
    - ii) local commission of verification of the ownership titles attached to the regional prefect;
    - iii) directorate of the land administration and protection attached to the regional council;
    - iv) Agency of Restitution and Compensation of Properties.
6. The head of the local governmental unit reports monthly on the progress of the conduct of this process to its completion to the prefect of the region.

### **Article 5**

#### **Expiry of the time period of the arable land use**

1. In all the instances when, referring to the official information being obtained in the course of the verification process under the sub-par "i", "ii", "iii", "iv" and "vii" of letter 'b', of par 2, of Article 2 of this Law, it emerges that the property has been transferred to the ownership or administration of a public body or entity, the time period for the user to use the arable land shall expire referring to the act of obtaining the use over the land, as long as they have it.
2. Where, referring to the official information being obtained in the course of the verification process of the legal situation of the property, it emerges that the arable land is under the scope of examination of the Agency of Restitution and Compensation of Properties or at the court and the latter institutions:
  - a) upon a final decision determine within the time period of meeting the AMTPs, in accordance with the provision of Article 6 of this law, determine another owner than the user of this land, this shall not be an obstacle for changing the use over the land to ownership, as long as the user is meeting all the other conditions of this law;
  - b) upon a final decision determine within the time period of meeting the AMTPs, in accordance with the provision of Article 6 of this law, do not determine another owner other than the user

for this land, this shall not be an obstacle for changing the use to ownership over the land, as long as the user is meeting all the other conditions of this law;

c) do not manage to make a final decision within the time period of meeting the AMTPs according to the provisions of Article 6 of this law, the use of the land by the user shall continue, until a final decision of any of the above-mentioned institutions has been made. Subsequently, there shall be proceeded in accordance with the provisions of letters 'a' and 'b' of this paragraph. Where ever a decision is made as in the instance of letter 'b', the use shall be vested with the right to seek ownership over this land before the court in accordance with the criteria of this law.

### **Article 6**

#### **Preclusive time period**

*(Amended by Law no 63/2016 and nr. 102/2017, date 30.11.2017)*

1. The time period for the completion of the procedures for the transfer of the arable land of former agricultural enterprises to the ownership of beneficiaries shall end on 31 December 2017.
2. Where the local governance units do not complete the procedures for the transfer of the arable land within the time period set out in par 1 of this law and in compliance with the criteria provided for in this law, beneficiaries shall be vested with the right to approach the court.
3. Upon the person seeking and the court finding that the local governance unit bodies did not provide the respective person with the act of obtaining ownership over the land, as a culpable violation of the provisions of this law and bylaw acts being issued for its implementation, the court shall decide imposing an administrative fine on these bodies to the extent of 50 000 – 100 000 ALL, in compliance with the law regulating the administrative contraventions.

### **Article 7**

#### **By-law acts**

1. The legal and by-law acts being approved prior to the entry of this law into effect and running counter to it shall be repealed.
2. The Council of Ministers shall be tasked to determine, within one month of entry of this law into effect, upon decision:
  - a) tasks, responsibilities, procedures and time lines for the final determination of the users of the arable land of former agricultural enterprises, under the criteria of this law;
  - b) time periods, documentation that the interested person has to produce, as well as the time lines;
  - c) documentation and information that the head of the local governance unit has to require and check, in compliance with this law;
  - d) time periods and documentation that the interested entity has to submit to establish his being as co-founder of the former agricultural cooperatives or former agricultural enterprises;
  - ç) institutions where granting of such request shall be officially sought under par 2 of Article 2 of this law, procedures and detailed rules of cooperation, as well as the timing of communication with these institutions;

d) format of the act of obtaining ownership over the arable land and the timing of its issue, way of preservation and transmitting it to the institutions managing and leading the process, until it is sent to the local office of immovable property registration office for registration.

**Article 8**  
**Temporary provision**

The decisions of the local governance unit councils and the ownership documentation over the arable land, being filled out in compliance with the provisions of the law no 57/2012 'On the completion of the process of transfer of ownership to the beneficiaries of the arable land of former agricultural enterprises', in the period from 1 October 2013 to the date of entry of this law into effect shall be considered valid.

**Article 9**  
**Entry into effect**

This law shall enter into effect 15 days following its publication in the Official Journal.

Approved on 18/12/2014

**Promulgated upon the Decree dated 8876, dated 30/12/2014, of the President of the Republic Bujar Nishani**