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JOINT INSTRUCTION

No. 4695, dated 31.5.2016

ON DETAILED PROCEDURES FOR THE REGISTRATION AND ISSUANCE OF THE LEGALIZED IMMOVABLE PROPERTY CERTIFICATE

(Amended by the Joint Instruction No. 4695/4, dated 2.11.2016)

Pursuant to Articles 17 and 49 of Law No. 33/2012, "On immovable property registration", Articles 4, 29 and 30 of Law No. 9482, dated 3.4.2006, "On legalisation, urban planning and integration of unauthorised buildings", as amended, and pursuant to point 13 of Decision No. 1095 of the Council of Ministers, dated 28.12.2015, "On determination of rules for work coordination, between ALUIZNI and CIPRO¹ and procedures or restrictions applicable to the effect of the registration of legalized assets", the head registrar and the general director of ALUIZNI,

INSTRUCT:

CHAPTER I

PROCEDURES FOR THE REGISTRATION OF LEGALIZED PROPERTY

1. The Directorates under ALUIZNI present the request (application) for the registration of the legalization permit and the issuance of the certificate of ownership on behalf of the beneficiary of the permit.
2. The application for registration is made by ALUIZNI's directorates through the "Template" form, enclosed with this instruction, free of charge, "zero application", electronically via the digital system (IPS).

¹ CIPRO – Central Immovable Property Registration Office



Pursuant to this point, the access of the ALUIZNI directorates to this system is authorized in accordance with the rules of security in accordance with the legislation in force.

3. The application for registration shall contain the name, surname, factual orientation of the location, mobile phone number and shall have determined as the date of application, that of its completion in the digital system (IPS).

4. At the same time, with the electronic application, the ALUIZNI Directorates follow the documentation specified in point 10 of the Decision no. 1095 of the Council of Ministers, dated 28.12.2015, "On determination of rules for work coordination, between ALUIZNI and CIPRO and procedures or restrictions applicable to the effect of the registration of legalized assets". The documentation under this point is attached to a printed copy of the "Template" application form.

5. The application is only made once and is valid for meeting the application deadline, pursuant to Article 38 of Law No. 33/2012, dated 21.3.2012, "On registration of immovable property". Further actions to fill out the possible shortcomings/inaccuracies in the documentation attached to the "application for registration" are carried out through written correspondence between the two institutions.

6. The Registrar shall, within 10 working days from the date of submission of the request, be required to complete the registration after verifying whether the submitted documentation is complete and accurate, based on the definitions of Chapter II of the Decision no. 1095 of the Council of Ministers, dated 28.12.2015.

7. Within 5 days from the date of the registration of the legalization permit, the LIPRO requires ALUIZNI to notify the beneficiary subject to make the payment of service fees to the LIPRO² bank account.

8. If the Registrar finds that there is a lack of complete documentation accompanying the legalization or inaccuracies that compel him to not complete the registration, he/she informs the ALUIZNI Directorate for their completion within the deadline set out in point 6 of this instruction.

9. In the cases provided in point 8 of this Instruction, the ALUIZNI Directorate carries out the necessary procedures, completes and resends the documentation within 10 working days from the date of the written notification of the Registrar.

10. The Registrar is obliged to make the registration, within 10 days from the date of completion and resending the documentation by the Directorate of ALUIZNI, according to point 9 of this Instruction.

² LIPRO – Local Immovable Property Registration Office

11. Upon the confirmation of payment by the payment entity for service fees, the LIPRO sends the relevant certificate of ownership via mail.

12. The registrar continues with the registration of the legalization permit for the building constructed on the plot of an object that results demolished, it is sufficient that the entity file at ALUIZNI the notarial declaration on the demolition of the building. This documentation is forwarded to the LIPRO along with that set forth in point 10 of Decision No. 1095 of the Council of Ministers, dated 28.12.2015.

CHAPTER II

REGISTRATION OF LEGALIZATION PERMITS NOT RELATED TO LAND

13. The registration of approved legalization permit for objects that have no determined relations with the construction plot (land) is made by the registrar in another property card by making the respective notes, within the deadlines specified, according to the cases in points 6 and 10 of this instruction. The Registrar is obliged to issue a certificate of ownership for a legalized object in the procedural order provided in Chapter I of this instruction.

14. For the cases provided in point 13 of this instruction, the Registrar is obliged to make the final registration of the construction plot within 5 working days from the transmission of the CIPRO of the DCM, which approves the transfer of the right of ownership and compensation of owners.

CHAPTER III

LEGAL MORTGAGE AND RESTRICTIONS

15. For the cases provided in Law No. 9482, dated 3.4.2006, as amended, and in sub-legal acts, ALUIZNI in the application for registration of the legalization permit also requires the registration of the legal mortgage on the legalized property, at the time of application online through the IPS system, according to point 2 of this instruction.

16. For the cases covered in Chapter II of this instruction, besides the registration of the legalization permit, the registration of the legal mortgage on the legalized construction is always carried out.

17. At the time of registration of ownership on the construction plot, according to point 14 of this instruction, the IPRO is obliged to fill out notes on legal mortgage on this plot (property).

18. At the written request of the ALUIZNI Directorate, the Registrar shall decide the restriction on the legalized property of the debtor entity, according to the provisions made in points 22, 23 of Decision no. 1095 of the Council of Ministers, dated 28.12.2015.

19. The removal of such limitation by the Registrar shall be made after the formal written notification by ALUIZNI on the settlement by the entity of the financial obligation.

20. The cancellation of the legal mortgage is officially notified in writing to LIPRO by ALUIZNI, no later than 5 working days from the submission of the confirmation of the payment of the financial obligation by the beneficial owner. The notification is accompanied by a copy of the payment confirmation and a copy of the "Template" application form.

21. Within 5 working days, from the date of the written notification of the ALUIZNI Directorate, the Registrar deletes the legal mortgage.

CHAPTER III SPECIAL RULES

22. LIPRO determines whether the legalized property will be individual or co-owned (I/B), based on the number of beneficiaries of the legalization permit.

23. For the construction legalized in favor of two or more entities, in accordance with Article 30, point 2, of Law No. 9482/2006, as amended, the registration of the pertaining parts is made:

- a) in inseparable, ideal parts, according to the number of the beneficiaries of the permit;
- b) in separate parts (physical or not) according to the agreement signed between the beneficiaries and forwarded by ALUIZNI.

24. The LIPRO, in order to determine whether the legalized property (or part thereof) is family (F) is based on a copy of the family certificate of the application time for legalization. If the beneficiary of the legalization permit is subject to a special marital property regime, part of the documentation forwarded according to point 2 of this Instruction will also be the official document proving the special marital regime. On the contrary, the registration is made under the rule of law community.

25. If the LIPRO, upon request for information on legal status, communicates to ALUIZNI that, the correction or upgrade/updating procedures have to be implemented for the cadastral block, the continuation of the legalization procedures of the object is made after the 60-day term, as defined in point 2.4 of the Decision no. 332 of the Council of Ministers, dated 12.3.2008, "On the determination of general rules for the storage and administration of cartographic information obtained from air digital photography of the territory of the Republic of Albania", as amended.

26. When ALUIZNI, before the entry into force of the Decision No. 1095 of the Council of Ministers, dated 28.12.2015, has forwarded the documentation for registration in accordance with Article 49 of Law No. 33/2012, but registration procedures have not been implemented yet, the following will be carried out:

a) If the possessor of the legalized building has regulated the ownership relationship with the construction plot (the building is on his or her property land or the DCM has been approved “On the compensation of the owners”), ALUIZNI notifies the LIPRO for making the registration procedures, which must be completed within 10 days of the submission of this notice;

b) When the ownership relationship with the land is not yet regulated, the LIPRO implements the rule set out in point 13 of this instruction and is obliged to make the registration of ownership on the construction plot immediately after the approval of the DCM “On the compensation of owners”.

27. Applications for registration filed by ALUIZNI after 11 January 2016 (the date of entry into force of the Decision No. 1095/2015 of the Council of Ministers, but prior to the entry into force of this instruction are considered to be genuine. If the registrars have not completed the registration procedures, they continue immediately.

This instruction enters into force after its publication in the Official Journal.

HEAD REGISTRAR
Ilirjan Muho

GENERAL DIRECTOR
Artan Lame