



**DISCLAIMER:** *Please note that the translation of the legal text provided below is only a provisional translation and therefore it does NOT represent an official document of Republic of Albania. It is meant purely as a documentation tool and EURALIUS does not assume any liability for its contents.*

## LAW

**No 8752, dated 26.3.2001**

### **ON THE ESTABLISHMENT AND FUNCTIONING OF THE LAND ADMINISTRATION AND PROTECTION STRUCTURES <sup>1</sup>**

*(Amended by Law no. 9244) dated 17.6.2004.*

*(Amended by Law no. 10257, dated 25.3.2010)*

*(Amended by Law no. 16/2012)*

*(Amended by Law no. 130/2014)*

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**

## **D E C I D E D:**

### **CHAPTER I**

#### **GENERAL PROVISIONS**

##### **Article 1**

*(Amended by Law no. 10257, dated 25.3.2010)*

This law aims at determining:

---

<sup>1</sup> According to the amending law no 10257, dated 25.3.2010, throughout this law and in the other legal and by-law acts, the denomination 'Section of Land Administration and Protection' shall be replaced with the denomination 'Land Administration and Protection Department (LAPD)'

- a) the basic rules of administration of arable land, in private and state ownership and some of the other categories of resources;
- b) state structures at local government, tasked with land administration, as well as their functions and duties.

## **Article 2**

*(Amended by Law no. 10257, dated 25.3.2010)*

For the purposes of this Law, the following terms have the following meanings:

1. "Administration" means the process of determining, documenting and propagating ownership data, the value and use of land during the implementation of its management policies.
2. "Management" means activities related to the use of land as a source of environmental and economic value.
3. "Multi-functional cadastre" means a register that includes many attributes of land plots.
4. 'Arable land' has meaning as defined in par 3 of Article 2 of Law no 9244, dated 17.6.2004 "On the protection of agricultural land.
5. "Forestland and forestry" has the same meaning as in Law no 9385, dated 4.5.2005 "On Forests and Forest Service", as amended.
6. "Pasture and meadow" has the same meaning as in Law no 9693, dated 19.3.2007 "On the Pasture Fund".
7. "Bank" has the same meaning as in Law No. 8093, dated 21.3.1996 "On Water Reserves".
8. "Technical dependence" means the obligation of the structures set forth in this law to implement subordinate legal acts adopted by the superior bodies.
9. "Descriptive data" means separate parcel books and registers.
10. "GIS" is the Geographic Information System.
11. "Barren land" means a poor-quality soil that is not included in cadastral items: arable land, forest land, forests, pastures, meadows and sites.
12. "Land protection" has the same meaning with the definition made in law no 9244, dated 17.6.2004 "On the protection of arable land".
13. "Delegated, Mandatory Function" has the meaning set forth in Law no. 8652, dated 31.7.2000 "On the organization and functioning of local government".
14. "Resource categories" means the areas of arable land, forestry fund, pasture fund, as defined in points 4, 5 and 6 of this article, as well as the surface areas of river banks, barren lands and urban lands (sites).

## CHAPTER II

### ORGANIZATION OF LAND MANAGEMENT AND DEFENCE STRUCTURES

*(Title amended by Law no. 10257, dated 25.3.2010)*

#### Article 3

*(Amended by Law no. 10257, dated 25.3.2010)*

The Land Administration and Protection Directorate (LAPD) is set up for the administration and protection of land, in the composition of which are:

- a) the land administration sector as a delegated, mandatory function of the Council of Ministers;
- b) land protection inspectorate (LPI) at the sectoral level, as a function of the regional council, carried out in accordance with the provisions of Law no. 9244, dated 17.6.2004 "On the protection of arable land".

#### Article 4

The number of employees and the mode of operation of the Land Administration and Protection Section are determined by a decision of the Council of Ministers.

#### Article 5

*(Amended by Law no. 10257, dated 25.3.2010)*

Director of LAPD, sector manager and specialists are appointed and dismissed in accordance with Law No 8549, dated 11.11.1999 "Civil Servant Status".

In the procedure of appointing LAPD director in the region, in the ad hoc committee established at the institution of the regional council, two specialists recognized in the respective field are appointed by the Ministry of Agriculture, Food and Consumer Protection, according to Law no. 8549, dated 11.11.1999 "Status of Civil Servant".

The Chairman of the Regional Council appoints the Director of LAPD after the preliminary approval of the structure manager covering the land administration at the Ministry of Agriculture, Food and Consumer Protection.

The head of the structure, which covers land administration at the Ministry of Agriculture, Food and Consumer Protection, has the right to request the replacement of LAPD director if the latter does not perform the task. In this case, the chairman of the regional council commences the legal proceedings for his dismissal, according to Law No. 8549, dated 11.11.1999 "Civil Servant Status".

### **Article 6**

*(Amended by Law no. 10257, dated 25.3.2010)*

For the management and protection of land, being their function according to the Law no 8652, dated 31.7.2000, "On the organization and functioning of local government", the office of management and protection of land is established in each commune and / or municipality. The Land Management and Protection Office in the commune and / or the municipality is technically dependant on the LAPD of the region.

### **Article 7**

The Land Management and Land Protection Section and the Land Management and Protection Offices in the municipality and / or commune are technically dependant on the Ministry of Agriculture and Food.

The Minister of Agriculture and Food issues sub-legal acts for the implementation of this law for the methodical and technical management of land administration and management, and controls their implementation.

### **Article 8**

*(Amended by Law no. 10257, dated 25.3.2010)*

The Land Management and Protection Section of the Region and the Land Management and Protection Office in the municipality and / or commune for the fulfilment of the tasks entrusted to them by this Law and by-laws in its implementation shall report respectively to the Council of the Region, Municipality or Commune as well as the structure covering land administration in the Ministry of Agriculture, Food and Consumer Protection.

The Regional Land Administration and Protection Section cooperates and exchanges data with the Land Management and Land Management Section or Office in the municipality and / or commune.

## **CHAPTER III**

### **LAND ADMINISTRATION AND FUNCTIONS AND TASKS OF STATE STRUCTURES AT LOCAL GOVERNANCE**

*(Title amended by Law no. 10257, dated 25.3.2010)*

### **Article 9**

*(Amended by Law no. 10257, dated 25.3.2010)*

The Land Management and Protection Office performs these functions and duties:

- a) Prepares and submits for approval to the responsible structures of the municipality and / or commune the requests and documentation of natural or legal persons for the lease, for granting the usage permits or for other forms of transfer of rights provided for by legal acts and by-laws, non-apportioned arable land and river banks, which by law are transferred to the ownership or administration of a region, commune and / or municipality;
- b) collects geographic information and stores the maps and documentation under tier authority, in accordance with the legislation in force.

The ways of exercising the functions provided for in this article are defined by by-laws of the Council of Ministers.

### **Article 10**

*(Repealed by Law no. 10257, dated 25.3.2010)*

The Land Management and Protection Office manages and takes measures for the protection of land in the territory within the territorial administrative division of the commune and / or the municipality.

### **Article 11**

The Regional Land Administration and Protection Section and the Land Management and Protection Office in the commune and / or municipality have in their administration:

- a) state arable lands, which by law are administered by the region, commune and / or municipality;
- b) private arable lands;
- c) communal and private forests;
- ç) communal and private pastures;
- d) state-owned forest lands, which by law are administered by the region, commune and / or municipality;
- dh) river banks, which by law are administered by the region, commune and / or municipality;
- e) urban areas of the village;
- ë) barren lands.

**Article 11/1**

*(Added by Law no. 10257, dated 25.3.2010)*

*(Amended by Law no. 16/2012)*

1. On the first, second, third and fourth category of fertility farms, the approval of the transfer of surfaces for constructions is done by decision of the Council of Ministers, only for the indispensable cases, as follows:

- a) national and rural roads connecting residential areas to each other;
- b) railways, airports and seaports;
- c) for drilling, searching and using oil and gas resources;
- ç) hydro power plants;
- d) for public cemeteries;
- dh) in the function of national defense;
- e) surface additions to territories, adjacent to existing, economic and productive facilities, legally constructed, but not more than the existing area, for extension of the same activity.

The surface supplement can not be larger than 3 ha and the request for additional surface is filed only once.

2. Studies and proposals for constructions, according to par 1 of this Article, including the extension of the boundary lines of the inhabited centers, are prepared and submitted for approval by the state institution covering the construction activities and, in any case, are based on the implementation of the obligations, deriving from par 2 of Article 14 of Law no. 9244, dated 17.6.2004 "On the protection of arable land".

3. The change categories of arable lands from V to X of fertility in other categories of resources, such as urban land (site), as well as for mining and geology, for quarries and carriers, is as follows:

- a) for a surface of up to 30 hectares, by decision of the Council of Ministers;
- b) for over 30 hectares, with special law.

4. The adoption of a change in the category of forest resources, land with forest vegetation, pastures and meadows and their transition to the category of arable land resource is done by a commission established at the commune or municipality, which is headed by the head of commune or municipality and the members in its composition are:

- a) a representative of the Regional Directorate of Agriculture (RDA);
- b) a representative of the Forest Service Directorate (FSD);
- c) a representative of the Department of Land Administration and Protection (DLAP);
- ç) the Head of the Land Management and Protection Office (LMPO);
- d) the lawyer of the commune and / or the municipality.

4/1. The request for the change of forest resource categories, land with forest vegetation, pastures and meadows, in the category of agricultural land resource, according to point 4 of this article, when the categories that are required to be changed are privately owned, shall be made only by their owners, while when they are in the ownership of the commune or the municipality, the request to the commission is submitted by the OAPL of the local government unit.

The arable land fund created by the change of the categories of forest resources, land with forest vegetation, pastures and meadows owned by municipalities and municipalities is administered according to the legislation in force for non-apportioned arable land

4/2. The change of forest resource categories, land with forest vegetation, pastures and meadows, in the category of arable land resources, according to point 4 of this article, is undertaken only when long-term development projects of agricultural crops are in compliance with the government support programs.

4/3. The head of the commune or municipality is obliged to convene the commission and examine the requirements for changing the categories of forest resources, land with forest vegetation, pastures and meadows, in the category of arable land resource, according to point 4 of this article, within 30 (thirty) days from the date of their registration.

4/4. An entity that has applied for a change in the categories of forest resources, land with forest vegetation, pastures and meadows, in the category of arable land resource, according to point 4 of this article, when the committee rejects the submitted application or does not examine it within the deadline defined, has the right to submit this request for decision-making with the ministries which activity covers these resource categories.

4/5. Changes in the category of agricultural land resources in forestry, pasture and meadow resource categories are made only at the request of its owner or local government body that uses these lands. The request for change is submitted to the ministry, which activity covers this resource category. The approval of the change is made:

- a) for areas up to 5 ha, upon the order of the respective minister;
- b) for areas over 5 hectares, by decision of the Council of Ministers.

5. The change in the category of agricultural land resource for barren land is done only at the request of its owner or local government body that owns or uses this resource and is approved by the Minister of Agriculture, Food and Consumer Protection.

5/1. The change of arable land in the category of barren land resource, when it is documented that these areas have been influenced by natural factors of force majeure, is made only at the request of its owner or the local government body that uses this resource. The request for change is submitted to the Ministry of Agriculture, Food and Consumer Protection. The approval of the change is made:

- a) for areas up to 5 ha, by order of the Minister of Agriculture, Food and Consumer

Protection;

b) for areas over 5 hectares, by decision of the Council of Ministers.

5/2. Regarding arable land, in all categories of fertility, the approval of the transfer of the surface for the construction of facilities for the production, storage and processing of agricultural and livestock products is done by decision of the Council of Ministers.

5/3. For the facilities provided in par 5/2 of this Article, the change of destination of the construction object shall never be allowed.

5/4. The types of facilities provided for in par 5/2 of this Article, the rules, criteria and procedures for their construction are determined by a decision of the Council of Ministers.

6. The rules and procedures for changing the categories of resources, according to par 1 to 5/2 of this Article, are determined by a decision of the Council of Ministers.

## **Article 12**

*(Amended by Law no. 10257, dated 25.3.2010)*

1. LAPD maintains and stores the archive with basic cadastral documentation such as land books, parcel books, plans, cadastral maps, topographic maps and other existing cadastral archive documents. In cases of physical damage caused by the duration of use and other factors, this directorate shall take measures for their renewal, ensuring the preservation of the original copy together with the duplicate, permanently, in the archive.

2. This directorate creates new documentation on land administration, through the use of existing documentation, documentation available from other state institutions and containing land information and other categories of resources, of products generated by the implementation of programs and projects, targeting arable land through GIS, simple measurements, inventories, topographic surveys, aerial photography, satellite imagery etc. The type of cadastral documentation that is maintained and used, based on which the administrative and legal measures for the resources in the district jurisdiction are carried out, is unique and is determined by the decision of the Council of Ministers.

3. LAPD updates and reflects on the cadastral documentation:

a) Changes in the categories of resources that come as a result of laws, decisions of the Council of Ministers, and other state structures that have the legal status and competence of changes in the category of resources;

b) changes in the category of agricultural land, together with the relevant act of the state structure, which has approved the change.

4. LAMD performs services and provides information based on the documentation that it has available for state institutions, as well as for natural and legal persons, according to point 1 of this Article for:



- a) the size and location of the basic cadastral parcels of arable land;
- b) the legal status of land ownership for all rural cadastral zones where the initial registration has not been completed and the results of this registration have not been received by the local immovable property registration office (IPRO).

For rural cadastral zones, where the initial registration was conducted and the results of this registration were taken over by the IPRO, the certificates required for the legal status of ownership of agricultural land as immovable property are issued by this institution;

- c) category of agricultural land, according to the fertility study;
- ç) the land surfaces at the freehold of natural or legal persons of the period prior to the entry into force of law no. 108, dated 29.8.1945 "On Agrarian Reform", in any case where there are data in the documentation kept in the LAMD archive.

5. The provision of services and the provision of information to state institutions are made free of charge, while for natural and legal persons they are paid, according to fees approved by the minister.

40 percent of the annual financial fund, generated by these services, is to be used to cover LAMD activities.

### **Article 13**

*(Amended by Law no. 10257, dated 25.3.2010)*

1. LAMD prepares the information report of status and changes of categories for the entire territory in regional jurisdiction within January of the following year.
2. The head of the commune and / or the municipality is obliged to send LAMD records of the status and annual change of the resource categories by 15 January of the following year, through TMAO. In the preparation of the data it also engages the town planning office of the commune and / or municipality.
3. The Regional Directorate of Forestry Service of the Region is obliged to send LAMD, within January of the following year, the explanatory report of the state and annual changes of the resource category, state, municipal and private administration, such as forests, forest land, pastures, meadows and others, falling under the scope of laws no 9385, dated 4.5.2005 "On forests and forest service" and no 9693, dated 19.3.2007 "On the Pasture Fund".
4. The LIPRO of the district, within December of each year, sends to LAMD the statement of agricultural land transactions.
5. LAMD is obliged to send the summary of explanatory report at regional and subdivision (district) level to the Ministry of Agriculture, Food and Consumer Protection within January of the following year, which, within February of the following year, makes a summary for the entire territory of the country.

6. LAMD is periodically obliged to submit reports and information to the Ministry of Agriculture, Food and Consumer Protection, which have as their object the categories of resources defined in this law.

Their type and content are determined by order of the Minister of Agriculture, Food and Consumer Protection.

**CHAPTER IV**  
**ADMINISTRATIVE CONTRAVENTIONS, SANCTIONS AND LAST PROVISIONS**

*(Title amended by Law no. 10257, dated 25.3.2010)*

**Article 14**

*(Repealed by Law no. 9244) dated 17.06.2004.*

Failure to take or to apply protective measures for physical damages, damage to fertility due to erosion, pollution and degradation, as long as it does not constitute a criminal offence, constitutes an administrative contravention and is punishable to a fine of 10,000 to 50,000 ALL by the Land Protection Specialist at the section of land administration and protection in the region, in accordance with law no 7697, dated 7.4.1993 "On administrative contraventions", excluding the value of the damage.

**Article 15**

*(Repealed by Law no 9244) dated 17.06.2004.*

An appeal may be filed against the conviction decision within 10 days from the date of notification of the decision to the head of the regional council, who examines the appeal and issues the decision within 5 days.

**Article 14**

*(Added by Law no. 10257, dated 25.3.2010)*

1. According to this law, as long as they do not constitute a criminal offense, an administrative contravention shall be:

- a) Construction and any change of arable land categories, contrary to the provisions of par 1 and 2 of Article 11 of this Law;
- b) non-observation and non-updating of the cadastral documentation of changes in the categories of resources and categories of arable land, as well as failure to provide information according to the provisions of par 3 and 4 of Article 12 of this Law;

c) the non-preparation and non-delivery of the status situation reports and the annual changes to the category of resources, as defined in points 2, 3, 5 and 6 of Article 13 of this Law.

2. LAMD of the district imposes as fine:

a) from 5,000 to 50,000 ALL against any person committing administrative contraventions specified in letter "a" of par 1 of this article;

b) from 1 000 to 10 000 ALL against the LAMO in the commune and / or municipality for administrative contraventions, as defined in letters "b" and "c" of par 1 of this article.

3. The responsible structure for land administration in the Ministry of Agriculture, Food and Consumer Protection imposes a fine of 10,000 to 20,000 ALL to the director of LAMD of the region due to the omission in fulfilling par 2 of this Article.

4. Ministry of Agriculture, Food and Consumer Protection proposes to the responsible minister covering the activity of the forestry and pasture fund in the respective ministry, imposing a fine of 10 000 to 20 000 lek against the director of the regional forestry service directorate for contraventions defined in letter "c" of point 1 of this article.

#### **Article 15**

*(Added by Law no. 10257, dated 25.3.2010)*

1. The offender shall, within 5 days of being notified the decision, in accordance with par 2 of Article 14 of this law, make a written complaint to the chairman of the regional council who shall examine the appeal and within 10 days notify the complaining party.

Against the decision of the head of the regional council, the complainant may appeal within 30 days to the district court of the respective region.

Execution of decisions is carried out according to the procedures set forth in law no. 7697, dated 7.4.1993 "On administrative contraventions", as amended.

2. The Director of the LAMD of the region may, within 5 days of being notified the decision of the Ministry of Agriculture, Food and Consumer Protection, according to par 3 of Article 14 of this law, make a written complaint to the Minister of Agriculture, Food and Consumer Protection, who reviews the appeal and, within 10 days, notifies the complainant.

Against the decision of the Minister of Agriculture, Food and Consumer Protection, the complainant may appeal within 30 days to the Court of the Tirana Judicial District.

3. The responsible Minister, covering the activity of the forestry and pasture fund in the respective ministry, examines the proposal of the Minister of Agriculture, Food and Consumer Protection for the imposition of a fine according to par 4 of Article 14 of this Law, and decides on its execution.

The offender may appeal against this decision within 30 days to the Tirana Judicial District Court.

**Article 16**

*(Repealed by Law no 9244) dated 17.06.2004.*

The appeal and enforcement procedures of the decision are made in accordance with law no 7697, dated 7.4.1993 "On administrative contraventions" with subsequent amendments and additions.

**Article 17**

The Council of Ministers is tasked to adopt sub-legal acts, pursuant to Articles 4, 12 and 13 of this law.

**Article 18**

Articles 17, 20 and 24 of Law No. 7501, dated 19.7.1991 "On Land" and other legal and sub legal acts that are in contravention of this Law shall be abolished.

**Article 19**

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

**Promulgated by Decree No 2953, dated 6.4.2001 of the President of the Republic of Albania Rexhep Meidani.**