

LAW
No. 8318, dated 1.4.1998

**On leasing the agriculture and forest land, pastures and meadows
which are in state property.**

On the basis of the article 16 of the law No. 7491, Date 24.4.1991 "On the general dispositions",
with the proposal of the Council of Ministers

THE PARLIAMENT OF REPUBLIC OF ALBANIA

DECIDED:

CHAPTER 1

GENERAL DISPOSITIONS

Article 1

The object of this law is the state's right on leasing to physical and juridical resident or nonresident persons, land which is not in their property.

Article 2

Specifications of this law are:

"Land" means the land which is property of the state, classified in the fund of agriculture and forest land, pastures and meadows.

"Lander" means the state, represented by every organism of the state which have the authority to make a leasing contract for the land in his administration.

"Tenant" means every physical and juridical, residents and nonresident persons who hire the state property in application of the provisions of this law.

CHAPTER 2

CONTRACTUAL CONDITIONS ON LEASING

Article 3

Leasing conditions between contractual persons are regulated in a special contract, according to the provisions of the Civil Code and Legal Acts about the agriculture land pastures and meadows, forests, hunting fishing and

Conditions not specified in the contract between the parts appearing later are resolved in agreement between parts. In cases of disagreements between parts they go directly to the proper court.

Article 4

If the contractual conditions are not respected from the parts each of the parts is obligated to pay for the damages caused by them.

Every claim of a part must be announced to the other 90 days before the end of the contract.

Article 5

When the tenant wants to cancel the contract before the expiration date foreseen he is obliged to inform in writing the lander of his intention, 180 days before the termination date.

Article 6

The rental contract should have a clause by which the lander reserve the right to take back the land before the expiration at the contract if it is needed for an investment at a public interest , based on the city planning.

The lander is obliged to announce in a writing form the tenant at last 1 year before the date of getting again the land.

The lander is obliged to compensate the tenant for the expenses sustained , according to the proper dispositions of Civil Code and to the kind of investment.

CHAPTER 3 DURATION OF LANDING CONTRACT

Article 7

The duration of the landing contract is according to the use of the land and to the level of the investments on this land.

The duration of the leasing for the forests, lands with forest vegetation, pastures and meadows must be according to the proper dispositions of the laws “On forests and police of forests” and “On pastures and meadows”

Article 8

Terms of leasing about the land-property of the state are:

1-up to 10 years for the short terms contracts, which include activities of producing arable crops and etero-oiled.

2-Up to 30 years for the medium term contracts, where are including actions for animal products for the production of the saplings, defending surroundings .

3-up to 99 years for the long term contracts where are including activities for tourism, recreation, high forest, and fruits trees.

When the activities of the points 1 and 2 of this article are accompanied with investments for their improvement, they will be treated like leasing long term contract.

Article 9

Criteria of calculating of the value for a year of lands-property of the state are defined with a resolution of the Council of Ministers.

Article 10

Criteria and ways of payment for the value of the leasing from the tenant are defined with a resolution of the Council of Ministers.

CHAPTER 4 MINIMAL SURFACE OF THE LAND

Article 11

The surface of forest land, pastures and meadows which are in leasing must not be smaller than minimal border of an under parcel.

On the forest land the forest under parcel can't be divided.

Article 12

Criteria of minimal surfaces according article 11 will be not applied when it is requested for leasing a surface of land made from different kind of lands, with intentions of development of tourism, agrotourism, or defending of the biodiversity of the zone.

CHAPTER 5 APPROVAL OF THE DEMAND

Article13

A state organism who wants to lease a land, establish a committee composed by agriculture specialists, specialists of forests, city planning, environment, and jurists, which resolve the technical problems of leasing previewed in this law.

The committee define the parcel of the land which will be leased according to:

1-The surface of land which will be leased must be not an object of pretentions in the applications of the law for returning of the properties to ex-owners.

2-The zone must not be object of public investments in a term of 10 years.

The state organization committee examine the requests for leasing of the parcels of the land and present it for approval to the Minister of the Agriculture and Food.

Article 14

For the lands on the tourist zones, national parks, and on the protected zones the respective approval must be done by the Council of the Regulation of the Territory of the Republic of Albania.

Article15

The leasing of the land property of the state from the proper organs must be done through the auction.

The rules of the auction and the type contract of leasing must be defined from the Council of Ministers.

Article16

Every physical and juridical ,resident or non-resident persons who wants to lease a land must send a request in a writing form with:

a-description of his activity and his view about environment.

b-verification for not financial or legal obligations unliquidated with the state.

Article 17

The registration of the leasing contract in the Office of the registration of the real estate, according to this law is exempted from the payment in this office.

Article18

This law become effective 15 days after publication in the official papers.

Promulgated with Decree no.2045, date15.4.1998 of the President of Republic of Albania, Rexhep Meidani.