

**REPUBLIC OF ALBANIA
PARLIAMENT OF ALBANIA**

LAW

No.7699 date 21.4.1993

**on the compensation of the ex-owners in value or in grounds of the agriculture lands,
pastures, meadows, forest land and forests**

On the base of the article 16 of the law no.7491 date 29.4.1991 “On the general constituting dispositions” with the proposal of Minister’s Council,

**THE PARLIAMENT OF ALBANIA
DECIDED:**

CHAPTER 1

GENERAL OBJECTIVES

Article 1

It is recognized to ex-owners or their legal hires the right of the compensation of ex-properties for the land in their property in the moment of issuing of the law no.1 8 date 29.8.1945 “On the agriculture reform” , properties that are out of the limiting lines of the residential centers, where it is acting the law no.7698, date 15.4.1993 “ On the restitution and compensation of the properties to the ex-owners”.

It is recognition even the right of the compensation of the ex-owners expropriated during the period from 29.11.1944 up to 29.8.1945.

CHAPTER 2

DEFINITIONS

Article 2

In this law will be used these definitions:

“Agriculture land”- in the implementation of this law , are all the lands in the Republic of Albania out of the limiting lines, which on 1.8.1991 are treated as agriculture lands according to the law no.7501 date 19.7.1991 “On the land” independently of their origin, excluding the lands that are defined in the law no.7698 date 15.4.1993 “On the restitution and compensation of the properties to the ex-owners”.

“Ex-owners of the land”-are the ex-owners or their legal heirs, all physical persons, resident or non-resident persons, juridical private albanian persons registered in this form from the moment of their creation and the religion communities represented from their organs according to their status.

“Hirer”- successors that according to the law have the right of the heredity of the property.

“Registered land”- all the lands with the specifications by the voices, defined in the article 1 of this law , and in the first paragraph of this article taking in consideration the denominations which are registered for each property in the moment of issuing of the law no.108 date 29.8.1995 in the cadastral documentation or in the other act similar to them.

“Obligation”- financial instrument which will be used for the compensation in the value of the ex-owners of the agriculture land.

CHAPTER 3

THE RIGHT OF THE COMPENSATION

Article 3

The right of the compensation in value or in nature with grounds of the agriculture land , pastures meadows forests and forest lands is recognized to the persons who have been owners of the agriculture lands, pastures, meadows, forests and forest lands according to the definitions of the article 1 of this law and to the persons that are recognized like their legal heirs, excluding the cases when in this law is defined differently.

Article 4

The right of the compensation in value or nature with grounds of the agriculture lands, pastures, meadows, forests and forest land is recognized to ex-owners or their heirs, whom property is registered , or in their absence , when the ownership is certified by a decision of the court of the proper district.

Article 5

All the claims for the compensation in value or in nature with grounds, in all the cases when are made passing of the ownership of the agriculture land, pastures, meadows, forests and forest lands after 1945 from the private owners who are not registered in cadastre will be solved in agreement between the parts and when it is impossible with a decision of the district court.

Article 6

Ex-owner or his heirs, when they have profited land according to the law no.7501, date 19.7.1991”On the land” the law no.7698 date 15.4.1993 or when they have taken in use agriculture land, will be profited only compensation in value in the most favorite conditions according to this law and what he has taken.

In this case the land that he has taken in use it is recognized and registered like a land in ownership according to the decision of the Committee of the restitution and compensation of the properties to ex-owners.

Article 7

Orchards and vineyards ,which land are not registered like an agriculture land, but there are considered in such a way for the intentions of this law, after the certifying in the cadastre, there are converted in this type of land on the base of the coefficients of the converting that will be approved by the Minister’s Council.

The olive-groves will be evaluated by the number of the roots for the effect of compensation.

Article 7.1

Pastures, meadows, forests and forest lands which are certified with official documents that have been in private property, are returned to the ex-owners and their legal heirs according to the cadastral statement of 1.8.1991.

When the pastures, meadows, forests and forest lands are inside the limiting protecting lines of the zones with priority the development of the tourism, defined with a decision of the Minister’s Council no.88 date1.3.1993 “On the approval of the zones with priority the development of the

tourism” they will remain in state property and will be used only for compensation effect in nature, excluding the cases when there are approved tourist project with a decision of the Minister’s Council.

Article 7.2

When the pastures, meadows, forests and forest lands are totally or partly inside the limiting and protecting lines of the zones with priority the development of the tourism, the compensation in nature with grounds is fully, but in all the cases no more than 10.000 m². The compensation in nature with grounds is done in the base of the proper urban studies.

The quantity of the restitution or compensation in nature is defined according to the paragraph 4 of the article 1 of the decree no.1359 date 5.2.1996.

Article 7.3

Ex-owners or their legal heirs of the pastures, meadows, forests and forest lands have to present in the Committee of the restitution and compensation of the properties in the district, the documents of the ownership within 1 year after entering in force of the laws that have like an object the general treatment of the pastures, meadows and forests. The documents will not be accepted with the expiration of this time.

Article 8

1-Ex-owners of agriculture land, pastures, meadows, forests and forest lands, according to the dispositions of this law, profit a full compensation in value or in nature with grounds up to 15 ha.

2- For the ex-owners that have had more than 15 ha the compensation in value for the other part of the agriculture land it is made according to the formula:

a) From 15 ha up to 100 ha agriculture land, every hectare above 15 ha it is compensated with the value of 0.1 ha.

b) From 100 ha up to 1100 ha agriculture land, every hectare above 100 ha it is compensated with the value of 0.02 ha.

c) For more than 1100ha it will be not an adding compensation in value.

3-In each case the maximal amount of the compensation in value must not be more than the equivalent of a surface of 43.5 ha.

4- The definitions made in points 1, 2 and 3 of this article must be apply even like the criteria for the compensation in value of the ex-owners or their legal heirs of the pastures, meadows, forests and forest lands.

Independently of the number of the heirs of the ex-owner, the total surface of the land which is compensated in value will be according to the points 1 and 2 of this article. The value of the land given like a compensation in nature must be no more than the proper compensation in value calculated according to the points 1 and 2 of this law.

Article 9

The price per unit is defined according to the law no.7836 date 22.6.1994 “On the price of the agriculture land for the compensation effect” and to the law no.7832 date 16.6.1994 “On the price of the ground for compensation”.

Article 10

1- The compensation in value will be given only through the state obligations issued in leks.

2-These obligations will be transferred freely and must be sold to the third persons according to the price set between the parts.

3- The state obligations will be guaranteed titles and they have the right of the pre- purchasing of the state property such as, industrial objects, building grounds, land and actions of the state entertainment's .

4- The state is obliged to liquidate these obligations through the state property up to 31.12.1999. After this time , for a period of 5 years, the liquidation must be done even in leks.

Article 11

There are not treated in this law the properties of ex-king and of the foreign or common associations.

Article 12

There are not profiting by this law:

a) ex- collaborators of the nasist-faschist occupiers for the properties profited during the occupation, after reviewing of the processes and defining of this persons from the High Court.

b) ex-chiefs of the communist party and power for the properties profited by the abuse of the official power certified with decision of the court.

c) condemned persons for the appropriation of the property of the people in great proportion, in the measure that is equal with the value of the unpaid damage, defined with the decision of the court.

CHAPTER 4 COMPENSATION PROCEDURE

Article 13

For the implementation of this law it is charged the State Committee of the Restitution and Compensation of the Properties to the ex-Owners, the Ministry of Agriculture and Food , Ministry of Finance and districts councils.

The rights and tasks of the State Committee of the Restitution and Compensation of the Properties to the ex-Owners are defined with under-acts issued by the Minister's Council.

Article 14

Ex-owners or their heirs have to present in the Committee of the Restitution and Compensation of the Properties to the ex-Owners the proper documentation of the ownership.

Article 14a

The evaluation of the requests of the ex-owners will be by the commission of restitution and compensation of the properties at the district's councils. The commission of the restitution and compensation of the properties give its thought in writing for each request registered on the base of the documents.

Article 14b

The ex-owners or their heirs to whom is recognized and returned, according the law no.7698 date 15.4.1993, the unchanged existing building which is outside of the limiting lines of the residential centers , must be profit from this law, in nature even a surface (if it has not a owner)of how much he has had before but not more than 300 m2 excluding here the surface occupied by the buildings itself.

Article 14c

Ex-owner or his heirs have the right of the pre-purchasing of the objects which are built from the state on the land ex-property of him, when these will be privatized with the prices defined according to the dispositions in force.

Article 15

It is allowed to lodge a complaint against the decision of the State Committee of the Restitution and Compensation of the Properties to the ex-Owners in the district court within 30 days from the date of the announcement of the decision.

Article 16

This law enter in force 30 days after publishing in the Official Gazette.

An adding article from the Decree no.1254 date 19.10.1995

In the line of acting have the priority”

1-Ex-owners that have had land near the land used for compensation.

2-Ex-owners that have had land near the kind of land (in placing) used for compensation.

3-The residents near the land used for compensation.

4-Ex-owners that have had more than 50 ha of land.

According to the desires of the ex-owner it can be passed from a high level of priority to a lower one.

Promulgated by Decree No. 525 dated 24 March 1993 of the President of the Republic of Albania, Sali Berisha.