

**REPUBLIC OF ALBANIA
PARLIAMENT OF ALBANIA**

LAW

No. 7698 date 15.4.1993

**ON THE RESTITUTION AND THE COMPENSATION OF THE PROPERTY TO
THE EX-OWNERS**

According to the article 16 of the law No. 7491 date 29.4.1991 "On the general constituting dispositions" and with the proposal of a group of deputies.

**THE PARLIAMENT OF ALBANIA
DECIDED:**

Article 1

This law recognize to the ex owners or their heirs the right of the properties for the nationalized, expropriated or confiscated properties according to the legal acts (including even the law No. 37 date 13.1.1945 "On the extraordinary tax") , decisions of the court issued after 29 of November 1944, or for all the properties taken unjustly in any other way, and determine the ways and the steps for their restitution or compensation.

Article 2

On the effect of this law- property means the real estate in the form of the ground , buildings and every thing else which is joint in a permanent way such as, houses, factories, shops, store-houses and every kind of building. This law does not include the real estate in the form of the land treated in the law "On the land".

Article 3

On the effect of the acquaintance, restitution and compensation of the properties, according to this law "land" means ground, agriculture land and non-agriculture land.

Ground means the land which is mortgaged and placed within the limiting lines of the residential centers in the moment of expropriation . In the case that there are not limiting lines in the residential center, ground means the surface of the land occupied by the built object and the place in the function of this object. The surface of the object is considered as 25% of the surface of the functional place in the case that it is not certified in the properties documents.

Agriculture and non-agriculture land mean the land out of the limiting lines of residential centers in the moment of expropriation, but that in the moment of entering into force of this law it is changed in ground. In the cases that there are no limiting lines in the residential centers or in the cases that this line exists and

the organ that define it, based in official documents that certified the built destination of this territory, judged that it must be completed or enlarged, like a limiting line of this residential center in the moment of entering in force of this law will be considered that one approved by the proper organ.

Article 4

It is recognized the right of the property to the ex-owners and there are returned to the ex-owners and their heirs the properties, that in the moment in which this law is issued, have existed in the form of non-occupied grounds, agriculture or non-agriculture lands or unchanged buildings, exclude the cases when it is defined in another way in the law.

Article 4.1

It is recognized the right of the property and there are returned in nature to the ex-owners or their legal heirs all the properties in the form of the pasture, meadow, forest land, or agriculture or non-agriculture land untreated by the law No. 7501 date 19.7.1991 "On the Land" that are in state property, when these properties will be alienated in ground included within the surface of the new limiting lines of the residential centers. The measure of the restitution or compensation in nature is the entire one but in all cases no more than 10.000 m², according to the definitions of the fourth paragraph of the article 1 of the decree No. 1359, date 5.2.1996.

Article 5

In all the cases when it is not defined different in this law, the measure of the restitution or compensation with equivalent surface will be an entire one up to 10000 m².

When the property is from 10000m² up to 100000m², the measure of the restitution or compensation will be plus 10% while for properties above 100000m² it will be plus 1%.

Article 6

There are not profiting from this law the ex-owners of the buildings and grounds expropriated and occupied for public needs, that in the moment of expropriation are compensated with the entire value.

In the cases when the ex-owners are not sure about the measure and the way of the evaluation, they have the right to go to the court organs and, if their pretend is certified they will be compensated with the difference of the compensation converted with the index of the increase of the prices.

Article 7

When the buildings are not destroyed and are not used for public needs, these must be returned to the ex-owners, with their request, even if they are recompensed in a entire value in the moment of expropriation, after they have returned the taken recompense converted with the index of the increase of the prices.

When the buildings are not destroyed and they are not purchased by the state, even when are used for public intentions, it is known the property to their ex-owners. The state will make a renting contract with the ex-owners according to the proper dispositions from the Minister's Council. The state is obliged to return the buildings to the ex-owners after 3 years with the request of the ex-owners.

Article 8

When the expropriated and recompensed with the entire value ground is not used for the expropriate intentions and when it is free, it must be returned to the ex-owner, after this one have returned the value of the recompense converted with the index of the increase of the prices.

Article 9

When it is certified in the court that the objects are purchased by the state without the concurrence of the ex-owners, these objects must be returned to these one, after they have paid the entire value taken from the sale of the object.

Article 10

In the case when the buildings of the ex-owners are alienated in third persons, they must be returned to the ex-owners, while the state must return to the third persons the value of the recompense according to the sale's price in the moment of the alienation converted with the index of the increase of the price. There are excluded by this law all the ex-owners, that, by will, have given like a present their properties to the state and for this action there are still existing the documents and proper publications.

Article 11

In the case when the ground, agriculture or non-agriculture land is alienated in third persons and on this land there are not permanent buildings, these kinds of land must be returned to the ex-owners, while the state must return to third persons the value of the recompense converted with the index of the increase of the prices.

There are not returned to the ex-owners according the above definition, the surfaces of land that are divided in implementation of the law No. 7501, date 19.7.1991 "On the land"

Article 12

The physical or juridical private persons which has the building in their property, are obliged to pay the rent to the owner of the ground or to purchase the ground according to the contract between the parts. Disagreements are resolved in a judicial way.

There are excluded by this article all the persons that have built or are building them in the zones that are evaluated for massive buildings, in the regulating plans and in the urbane studies, according to the legal procedures.

Article 13

When on the object, private ex-property, are been made expenses for changes in the structure from the owner or the state like adding floors etc., this object must be returned to the ex-owner without counter-compensation, when the value of the expanses is up to 20% of the value of the object.

When in the object, private ex-property, the value of the expenses made is from 20% up to 50% of the object value, this object can be in the property of the ex-owner, after the liquidation of the above counter-value, over 20%, calculated in the base of the building prices in the moment of the restitution of the property. When the value of the made expenses is over 50% of the value of the object, this object remain in jointownership.

The restitution of the buildings to the ex-owners is done according to the state rules of their maintenance and use. All the intended or caused by the maltreatment of the buildings damages must be evaluated by the proper authorized experts and the damage must be paid according to the dispositions in force.

Disagreements between the parts must be solved in judicial way.

Article 14

The agreements between the lessees and the ex-owners are regulated with the law No. 7652 date 23.12.1992 “ On the privatization of the state buildings”.

If during this time the owner provide to the lessee another residence within the same residential center, with a residential surface according to the accommodation rules in the moment when this law is issued, but no more than the lessee has, than the lessee is obliged to leave the residence.

The state is obliged to solve, according with the actual rules of the accommodation, the accommodation of actual lessees, giving the priority to the families with less financial revenues.

They can be compensate according to the ways defined in this law, with the desire of the ex-owners.

Article 15

The grounds occupied with temporary buildings must be returned to the ex-owner. The temporary buildings are evaluated in the Regulation of the accommodation.

Article 16

When the grounds or agriculture lands alienated in the grounds, are occupied with permanent buildings, the owners must be compensated in the expropriation limits in the ways mentioned below:

- a) with state obligations, which will be used according to the equivalent value and with priority in agreements with the state either in the privatization process of the state objects or in other activities with credit.
- b) with equivalent surfaces of grounds or agriculture land alienated in grounds, near the residential centers according to the general regulating plans
- c) with equivalent surfaces in the tourist zones , according to the general regulating plan

The other part of points b and c will be compensated according to the other ways foreseen in this law.

More detailed rules for the ways and duration of these compensations are defined by the Minister's Council.

Article 17

This article is abrogated with the decision of the Constituting Court No. 4 date 8.4.1994

Article 18

It is abolished the right of the property of the rooms:

-those persons who have privatized them in an illegal way

-those persons that have changed the destination of these rooms, against the dispositions in force.

-Those persons that haven't done any activity for 6 months from the time of the privatization.

In all these cases, the owner of the ground has the right to be the owner of the room, according to the dispositions in force.

There are charged the Privatization Agency and The organs of the Local Government with the implementation of this article.

Article 19

The free grounds within the limiting lines of the cities will be returned to the ex-owners up to 10.000 m², according to the regulating plans approved in the moment of entering in force of this law.

The restitution will be done according to the definition done in the paragraph No. 4 of the article 1 of the decree No. 1359 date 5.2.1996

Article 20

The ex-owner of the ground, on which are built state buildings with one or two floors, has the right of the jointownership in the first case in proportion 1:2 and in the second case in the proportion 1:3. In both cases the ex-owner has the right to build an adding floor on the building, while all other later changes will be done according to the Law " On the jointownership in the buildings"

Article 21

In the grounds and agriculture or non-agriculture lands occupied with state buildings like shops, store-houses, etc., the ex-owners have the right of the pre-purchasing of these objects, when there are privatized with the prices according to the dispositions in force.

Article 22

The actions for the acquaintance of the ownership, according to the dispositions of this law, must be done by the organs charged with the registration of the real estate, in the base of the official documents presented by their ex-

owners. In their absence the ownership must be certified with a court decision, in the presence of the counterpart.

The request for the profit of the ownership must be presented within 31 august 1994. In the cases that the person ex-owner, for justified reasons, haven't known about this , he has the right to replace the duration through the court.

Article 23

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

Article 24

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.

Article 25

Near the Minister's Council it is created the state committee of the restitution or compensation of the properties to the ex-owners for the evidentation of the claims of the ex-owners , that haven't found solution in this law.

Article 26

The price of the ground is defined with a special law.

Article 27

In all the cases defined in this law , the index of the increase of the prices will be calculated in the moment of entering in force of this law.

Article 27 a

Against the decision of the committee for the restitution and compensation of the properties, the participants in this process have the right to lodge a complain in the district court.

The decision issued in this case is a complaining one, according to the rules defined in the Code of the Civil Procedure.

Article 28

The Minister's Council have to issue the necessary under-legal acts and to make organizational steps for the implementation of this law within 1 month from the date of entering in force of this law.

Article 29

There are abrogated all the legal dispositions which are against this law.

Article 30

This law enter in force 30 days after the promulgation.

Promulgated with the decree No. 515 date 16.4.1993 of the President of the Republic of Albania,

Sali Berisha