



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Qeveria - Vlada - Government

**ADMINISTRATIVE INSTRUCTION (GRK) NO. 09 /2023 ON
DETERMINATION OF PROCEDURES FOR DEMOLITION OF
UNLAWFUL STRUCTURES¹**

¹ Administrative Instruction (GRK) no. 09/2023 on Determination of Procedures for Demolition of Unlawful Structures, has been approved in the 178th Meeting of the Government of the Republic of Kosovo, with the Decision No. 16/178, dated 13.12.2023

The Government of the Republic of Kosovo,

Pursuant to Article 93 (4) of the Constitution of the Republic of Kosovo, paragraph 3 of Article 18 of Law No.05/L-010 on the Kosovo Property Comparison and Verification Agency, as amended and supplemented by Article 12 of Law No. 08/L-052 (Official Gazette, No.3/2023, January 11, 2023), Article 8, paragraph 4, subparagraph 4.5 of Law No. 08/L-117 on Government of the Republic of Kosovo and Article 19 (6.2) of Regulation No. 09/2011 on Rules of Procedure of the Government (Official Gazette, No. 15, September 12, 2011)

Issues:

ADMINISTRATIVE INSTRUCTION (GRK) NO.09/2032 ON DETERMINATION OF PROCEDURES FOR THE DEMOLITION OF UNLAWFUL STRUCTURES

Article 1 Purpose

1. This Administrative Instruction aims to establish procedures for the application of the remedy of demolishing unlawful structures by the Kosovo Property Comparison and Verification Agency (hereafter the Agency) in relation to the enforcement of the final decisions of the Property Claims Commission and judgments of the Supreme Court Appeals Panel.

2. This remedy determined under paragraph 1 of Article 18 of Law No. 05/L-010 shall be applied only upon the request of the successful claimant and is the only remedy provided by the Agency.

Article 2 Scope

The provisions of this Administrative Instruction shall apply to the properties on which unlawful structures have been constructed in relation to which there is a final decision of the Property Claims Commission or a judgment of the Supreme Court Appeals Panel.

Article 3 Definitions

1. Terms used in this Administrative Instruction shall have the following meanings:

1.1. KPA – means the former Kosovo Property Agency;

1.2. KPCVA – means Kosovo Property Comparison and Verification Agency;

1.3.Claimant – means a person who has filed a request for demolition of an unlawful structure, whose property right or user right over the property has been recognized by a final decision of the Property Claims Commission or judgment of the Supreme Court;

1.4. Property subject to a claim – means the property on which an unlawful structure has been constructed, and for which a claim has been filed before the KPA;

1.5. Unlawful Structure – means any unlawful structure constructed on a private immovable property without the consent of the owner;

1.6.Builder of unlawful structure - means any natural or legal person who has built an unlawful structure on the property subject to the claim;

1.7. Demolition of unlawful structure – means undertaking all necessary measures to demolish an unlawful structure and remove the demolition debris;

1.8. Law – means the Law No.05/L-010 on the Kosovo Property Comparison and Verification Agency (Official Gazette No.37, November 3, 2016).

2.Words of any gender used in this Administrative Instruction shall include any other gender.

3.Other terms used in this Administrative Instruction shall have the same meaning as the definitions set out in the Law.

Article 4

Demolition of Unlawful Structures

1.Demolition of unlawful structures shall apply when:

1.1.Any building or structure that has been constructed on a private immovable property without the owner’s consent, where the ownership has been recognized by a final decision of the Property Claims Commission or Supreme Court judgment;

1.2.The claimant has refused the mediation as a remedy, or mediation provided by the Agency has resulted in an unsuccessful resolution;

1.3.The request for demolition of the unlawful structure has been filed by the claimant, property right holder, heirs, or authorized persons, respectively;

1.4.There is a written consent of all co-owners whose right has been recognized by the final decision of the Property Claims Commission;

1.5. After the completion of inheritance procedure, if the property right holder has passed away;

1.6. Once the physical division of the property has been carried out, in cases where the claimant of the structure proves that he/she is a co-owner of an ideal part of the property subject to the claim filed before the Agency;

1.7. In cases where not all the co-owners have filed a claim before the KPA for the recognition of their property rights, the demolition shall be applied only after the physical division and only to the part of property belonging to claimant requesting demolition.

2. The remedy of demolition shall not be applied if the property user has only conducted minor repairs or made investments in the existing facility. In all such cases, the claimant shall be enabled to repossess the property in its existing condition.

Article 5

Notifying the Claimant about the Demolition

The property right holder shall be notified of his/her right to submit a request for the demolition of the unlawful structure within 30 days from the entry into force of this Administrative Instruction.

Article 6

Submission and Review of the Demolition Request

1. The request for demolition of unlawful structures shall be submitted in writing within (60) sixty days from the date of notification of the right to use this remedy;

2. If the claimant requesting demolition is not the same person as the property right holder according to the decision of the Property Claims Commission or judgment of the Supreme Court, the request shall be accompanied by the necessary documents proving his/her property right or power of attorney;

3. The Agency, through the relevant unit, shall review the request to confirm if the request meets all the criteria outlined in this Administrative Instruction.

4. If the request for demolition meets the specified criteria, the relevant unit of the Agency shall notify the respondent or the third party about the initiation of the demolition procedure.

Article 7

Actions prior to the Issuance of the Demolition Order

1. Following the review of the request submitted by the Claimant and confirming that the conditions set out for the demolition procedure have been met, the Agency shall take the following immediate actions:

- 1.1. Inform the relevant Municipal Directorate about the final decision of the Property Claims Commission or judgment of the Supreme Court and initiation of the demolition procedure;
 - 1.2. Conduct an inspection of the property, through the relevant unit and with the assistance of the Police assistance if necessary, and prepare a detailed report on the current condition of property and structure;
 - 1.3. Refer the request of the Claimant along with all the actions undertaken, to the KPCVA Director through the relevant unit of Agency, for the signature of the demolition order.
2. In all cases deemed necessary by the Agency, the respective Municipal Cadastral Offices shall be required to determine the boundaries of the property subject to the claim.

Article 8 **Issuing Warning**

1. Upon receiving a request pursuant to sub-paragraph 1.3 of Article 7, the KPCVA Director shall issue a Warning requiring the party to vacate the property and remove the belongings from the structure.
2. The Warning mentioned in paragraph 1 of this Article shall include:
 - 2.1. Information related to the party to whom the warning is addressed and details related to the property;
 - 2.2. Notification that if the party fails to vacate the property and remove items and the structure within the deadline of thirty (30) days from the day of receiving the Warning, the Agency shall issue an eviction order.

Article 9 **Issuing Eviction and Demolition Order**

1. After the expiration of the specified deadline as per sub-paragraph 2.2 of Article 8, if the party fails to inform the Agency that they have vacated the property and removed their belongings, the relevant unit of the Agency shall conduct an inspection of the property within seven (7) days.
2. If, after the inspection conducted as per paragraph 1 of this Article, it is confirmed that the party has not vacated the property and removed their belongings from the structure, the KPCVA Director shall issue an order for eviction and demolition of the unlawful structure.

3.The eviction and demolition order shall be used to notify all parties involved in the proceedings that, within fifteen (15) days from receiving the Order, the Agency shall proceed with the remedy of demolition of the unlawful structure.

4.Simultaneously with the notification mentioned in paragraph 3 of the Article, the eviction and demolition order shall be forwarded to the relevant unit of the Agency for execution.

5.Within fifteen (15) days prior to the issuance of the order, the relevant unit of the Agency shall prepare an operational plan for the demolition and inform the economic operator contracted by the Agency and the Kosovo Police.

Article 10

Execution of the eviction and demolition order

1.Upon the expiration of the fifteen (15) day deadline mentioned in paragraph 3 of Article 9, the Eviction and Demolition Order shall be promptly executed, and no later than thirty (30) days after the expiration of this deadline.

2.The Agency shall inform the economic operator, the Kosovo Police and other relevant bodies of the exact date of execution of the eviction and demolition order.

3.Prior to applying the remedy of demolition, the Agency, with the Assistance of the Kosovo Police, shall conduct the eviction by removing individuals and movable property from the unlawful structure.

4.The movable property should be carefully removed to a location outside of the property subject to the claim to prevent any possible damages.

5.The Agency shall not be responsible for providing security, safeguarding, or transportation of the movable property to another location.

6.Once the unlawful structure is vacant of individuals and movable property, the Agency shall affix official seals and information signs indicating the demolition of the property.

7.If valuable belongings (money, gold and similar items) are discovered during the eviction, the representatives of the Agency shall hand them over to the relevant party, and an official report shall be prepared.

8.On the day of the demolition, the structure and the surrounding area shall be secured by the Kosovo Police.

9.The demolition process shall be supervised by the relevant unit of the Agency.

10.The Agency shall not be held responsible for the destruction of unlawful structures, including any liability for compensation.

Article 11
Suspension of the demolition of Unlawful Structures

1. The demolition of unlawful structures shall be suspended if:
 - 1.1. During the execution, the representatives of the Agency encounter or suspect the existence of dangerous objects;
 - 1.2. In any other situation where the demolition cannot be carried out, such as in the case of natural disasters or emergencies assessed by competent security authorities or institutions providing public services, or in similar situations.

Article 12
Exceeding the structure to the Claimed Property

1. In cases where a part of the structure from the adjacent parcel has exceeded the boundary of the property subject to the claim, and if its demolition cannot be carried out without causing a general danger or damages to the entire structure, the Agency shall advise the parties as follows:
 - 1.1. Exchange the surface of the property surface if this is possible;
 - 1.2. Provide monetary compensation for the surface;
2. In the event of a dispute between the parties regarding the exchange of the surface or price as mentioned in sub-paragraphs 1.1 and 1.2 of this Article, with the consent of parties, a professional assessment by the competent authority of the Ministry of Finance shall be required within thirty days.
3. If the parties fail to reach an agreement on any of the options provided in paragraphs 1 and 2 of this Article, the Agency shall advise the parties to refer their case to the competent court.

Article 13
Risk to the Lawful Structure

In cases where demolishing an unlawful structure poses a risk to the lawful structure, and the demolition cannot be done without causing a general risk, the Agency shall only evict illegal occupants from the part of the structure belonging to the Claimant and issue a repossession acknowledgement to the claimant, based on an assessment by the competent municipal authority, prior to closing the case.

Article 14
Issuing the Repossession Acknowledgement

Once the demolition of the unlawful structure is completed, the Agency shall issue a repossession acknowledgement and close the case.

Article 15
Obligations of the Economic Operator

- 1.The Agency shall contract an economic operator for the demolition of unlawful structures.
- 2.During the demolition process of unlawful structures, the economic operator shall be responsible for all actions in the demolition process.
- 3.The economic operator shall be obliged to ensure that the property does not pose any risk to people or other material goods after the demolition of an unlawful structure.
- 4.Demolition of an unlawful structure shall be carried out in a manner that prevents any side damage.
- 5.The economic operator shall be obliged to coordinate with competent authorities to ensure the disconnection of power supply, phone lines, water supply, heating supply and other utilities if necessary.
- 6.Competent authorities shall assure that the disconnection process shall not pose any risk to people and material goods during and after the demolition of unlawful structures.

Article 16
Access to the property

If the road used to access the property subject to the claim is a private property and its owner refuses to grant access to the Agency and the economic operator use it, access to the structure shall be ensured by applying the applicable legal provisions.

Article 17
Funding

The budgetary means for the implementation of this Administrative Instruction shall be provided from the Budget of the Republic of Kosovo or through potential donors, in accordance with applicable legislation.

Neni 18
Abrogation

Entry into force of this instruction shall abrogate the Administrative Instruction (GRK) No. 01/2020 on Determination of Procedures for the Demolition of Unlawful Structures.

Article 19
Entry into force

This Administrative Instruction shall enter into force seven (7) days after its publication in the Official Gazette.

Albin Kurti

Prime Minister of Republic of

Kosovo

05 January 2024