



Republika e Kosovës

Republika Kosovo-Republic of Kosovo

Qeveria - Vlada – Government

**REGULATION (GRK) NO. 18/2023 ON THE PROCEDURES FOR
HANDLING INFORMALITY BY THE KOSOVO PROPERTY
COMPARISON AND VERIFICATION AGENCY¹**

¹ Regulation (GRK) No.18/2023 on the Procedures for Handling Informality by the Kosovo Property Comparison and Verification Agency has been approved in the 178th Meeting of the Government of the Republic of Kosovo, with the Decision No. 13/178, dated 13.12.2023

The Government of the Republic of Kosovo,

Pursuant to Article 93 (4) of the Constitution of the Republic of Kosovo, Article 11 of the Law No.05/L-010 on the Kosovo Property Comparison and Verification Agency as amended and supplemented by Article 11 A, paragraph 2, and Article 18 of Law No.08/-052 (Official Gazette No.3/2023, 11 January 2023), and Article 19(6.2), Article 8, paragraph 4, subparagraph 4.5 of Law No. 08/L-117 on Government of the Republic of Kosovo, of Regulation No. 09/2011 on Rules of Procedure of the Government (Official Gazette, No.15, 12 September 2011)

Aproves:

REGULATION (GRK) NO.18/2023 ON THE PROCEDURES FOR HANDLING INFORMALITY BY THE KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY

Article 1 Purpose

This regulation aims to establish the procedures for notifying and informing parties regarding the legal recognition of informal property rights.

Article 2 Scope

This regulation shall apply only to claims submitted to the Agency for formal recognition of property rights, acquired before 24 March 1999 as a result of an informal transaction or for which the documents required for registration in the Kosovo Cadastral system do not exist.

Article 3 Definitions

1.1. Terms and expressions used in this Regulation shall have the following meanings:

1.1. PCC Final Decision – means the Decision of the Property Claims Commission;

1.2. Claimant — means a natural or legal person who has submitted a claim for legal recognition of informal property rights;

1.3. Close family member - means parents, spouses, children, and siblings of the person participating in the capacity of a purchaser or seller in an informal transaction;

1.4. Third party with legal interest - means any natural or legal person who participates in the proceedings and has a direct or indirect legal interest pertaining to the property subject to the claim;

1.5. Informal transaction means a transaction related to the transfer of a right over an immovable property where the form provided by the laws in force has not been followed or could not be followed due to discriminatory laws;

1.6. Notification - means notification/information through a distinct sign.

2. Other terms used in this Regulation shall have the same meaning as definitions set out in the Law.

Article 4

Filing a Claim for Legal Recognition of Informal Rights over a Private Immovable Property

1. A claim for legal recognition of rights over an immovable property may be filed by:

1.1. The purchaser of the property through an informal transaction;

1.2. The close family members of the purchaser of the property through an informal transaction;

1.3. Any member/person that may have the ownership right as specified by inheritance order;

1.4. The final purchaser of the property or his/her heirs if, after the initial informal transaction, there is an informal purchase chain;

1.5. The seller of the property or his/her heirs under an informal transaction;

1.6. The purchaser and the seller or his/her heirs, if the informal purchase chain commenced before 24 March 1999, and the final purchaser acquired the factual right to a property through a transaction after 24 March 1999;

1.7. An authorized person appointed by the party.

2. Upon submission, the claimant shall be notified of the legal consequences, if his/her claim for acquiring the property right is found to be false.

Article 5
Claim for Legal Recognition of Informal Property Rights

1. The claim shall be submitted in the designated form specified by the Executive Secretariat and signed by either the claimant or an authorized person in the presence of a responsible official from the Executive Secretariat.
2. The claim, as per paragraph 1 of this article, shall include:
 - 2.1. Detailed information about the claimant;
 - 2.2. Detailed property information;
 - 2.3. Data on the time and place of the transaction, as well as the time of entry into possession;
 - 2.4. Data related to any judicial or administrative procedures initiated before or after 24 March 1999 in relation to the recognition of the informal transaction or other related issues;
 - 2.5. Data regarding the seller's address, if available;
 - 2.6. Information regarding whether the seller is a displaced person after 24 March 1999, if available;
 - 2.7. Details regarding any witnesses, if available.

Article 6
Submission of Documentation in Support of a Claim

1. The Executive Secretariat of the Agency shall receive evidence in support of a claim, including informal contracts and agreements, witness statements, evidence of payments, and other relevant evidence, from the time of filing the claim until a decision is made by the Commission;
2. If the claimant lacks the necessary evidence to prove their right, they have the option to indicate whether the supporting documents can be found in the public archives of any institution;
3. If the claimant does not possess written evidence regarding the informal transaction, they are required to state whether such written evidence existed and how they plan to prove its existence;
4. In all cases where the claimant asserts that the transaction was based on a verbal purchase agreement, or an informal contract or agreement existed but they do not possess such a document, the claimant may submit the following:

- 4.1.Statement of the alleged seller;
 - 4.2.Statement of the persons present during the informal purchase agreement;
 - 4.3.Statement of the persons who can prove the possession or use of the property since the time of the purchase agreement;
 - 4.4.Any other evidence that they alledge supports their claim;
- 5.If the claim is filed by the final purchaser, this claimant may provide notarized testimonies or statements from the entire chain of purchasers and sellers, or alternatively, provide their names and addresses.

Article 7

Notification of Sellers and Third Parties regarding a Claim

1. Upon receiving the claim for legal recognition of property rights acquired as a result of an informal transaction, the Agency shall make efforts to notify the alleged property seller of the claim by:
 - 1.1.Sending the claim to the alleged seller in person;
 - 1.2.Publishing the claim through forms foreseen by this Regulation.

Article 8

Personal Notification of the Seller regarding the Claim

- 1.The Agency shall make every effort to personally notify the alleged property seller at the claimant's request and take the necessary steps to locate the correct address if the claimant lacks residence information or if the provided information is found to be incorrect.
- 2.In all cases where the Agency is notified, based on the received information, that the alleged seller is deceased, efforts shall be made to notify the heirs or close family members.
- 3.Personal notification regarding the claim shall be considered as:
 - 3.1.Acceptance of in-person notification by the alleged seller, close family member, or heirs, as applicable;
 - 3.2.Delivery of the notification to the postal address of the seller, close family member, or heirs, as applicable;
 - 3.3.Sending the notification to the e-mail address or other electronic communication channels of the alleged seller, close family member, or heirs, as applicable.

4.To find the residence address or other contact details of the alleged seller, close family members, or heirs, the Agency shall utilize the database of the former Housing and Property Directorate and the former Kosovo Property Agency.

Article 9

Notification through Publication

1.If, despite all efforts, as per Article 8 of the this Regulation, personal notification to the seller or their heirs cannot be carried out due to inability to be located, the notification shall be conducted through publications;

2.The publication, as per paragraph 1 of this Article, shall occur simultaneously in the Official Gazette of the Republic of Kosovo, the Regional Offices, and the website of the Agency, Courts, the Chamber of Advocates and Notaries, Municipalities of Kosovo, including Regional Cadastral Offices and other relevant institutions as necessary;

3.Publications may utilize other means and forms of information or communication, both within and outside the territory of the Republic of Kosovo, in accordance with the applicable legislation.

Article 10

Preliminary Claim Review

1.After receiving a claim, the Executive Secretariat, as appropriate, shall verify the following:

1.1.whether any procedure has been initiated in the competent court;

1.2.whether there is already a final court decision regarding the same issue;

1.3.whether the property was subject to review by either the Housing and Property Claims Commission or the Kosovo Property Claims Commission;

1.4.whether the property has been or is currently administered by the Kosovo Privatization Agency;

1.5.whether the property has been or is currently subject to leasing by the Kosovo Privatization Agency;

1.6.whether there is an ongoing property-related proceeding at the Special Chamber of the Supreme Court;

1.7.whether the owner of the claimed property, according to the cadastral data, is listed as the alleged seller or the first alleged seller, in cases where there is a chain of informal purchase;

1.8.whether there is an ongoing criminal proceeding related to the claimed property;

2.The Agency may enter into agreement with relevant institutions to obtain evidence as per 1 of this Tegulation.

3.In specific cases where a claimant alledges an informal transaction concerning only a part of the property, the Secretariat shall conduct a geodetic survey.

Article 11 Verification of Received Evidence

1.The Secretariat may verify all submitted documents issued by relevant institutions or found in the archives of those institutions;

2.The Secretariat shall verify evidence or statements that have been notarized in relevant notarial offices;

3.In addition to the submitted documents and evidence, the Secretariat may acquire additional documents ex-officio.

Article 12 Reviewing Evidence and Referring the Claim for Adjudication

1.The Executive Secretariat shall review the claim, along with all evidence, verifications, and other actions related to the claim, and shall draft a report;

2.The report, as per paragraph 1 of this Article, shall include a legal analysis of any evidence received and found ex-officio by the Secretariat;

3.The report, as per 1 of this Article shall also include the Executive Secretariat's recommendation for:

3.1.Approving the claim and recognizing the property right;

3.2.Dismissing the claim;

3.3.Rejecting the claim.

4.The recommendations of the Executive Secretariat should be presented and thoroughly discussed in PCC deliberations, although the PCC’s final decision may not align with the Executive Secretariat’s recommendations.

5.The PCC may request additional actions or even additional documents and evidence from the Executive Secretariat.

Article 13 Notification

1.In all necessary cases, the Secretariat shall perform the notification of the property that is subject of the claim;

2.Distinctive signs containing information related to the claim for recognition and formalization of property right shall be placed on the notified property;

3.The purpose of notifying the property shall be to inform any interested third party about the claim.

Article 14 Rights of the Respondent or Third Party with Legal Interest

1.Upon receiving notification of the claim, the respondent shall have a 30-day period to submit evidence supporting their claim, including documents, testimony, or witness statements;

2.In all cases where the respondent or a third party with legal interest objects to the claim within the 30-day period, they may support their objection with additional documents or statements until the Commission makes a decision;

3.In case where notification or publication is utilized to inform parties, the respondent or a third party with a legal interest is required to notify the Executive Secretariat of the time and method of notification of the claim;

4.Exceptionally, the respondent or a third party with a legal interest may object the claim even after the deadline defined in paragraph 1 of this article, provided that they have reasonable grounds for doing so, until the Commission makes a decision;

5.The procedural rules outlined in Articles 10 and 11 of this Regulation shall be applied to the verification and review of evidence and allegations.

Article 15
Dismissal of Claims by the Secretariat

- 1.The Secretariat shall dismiss claims without referring them to PCC in the following cases:
 - 1.1.a claim is submitted after the legal deadline defined by the Law;
 - 1.2.a proceeding is ongoing before the competent court concerning the same issue.

Article 16
Acceptance of Purchase by Seller

- 1.In all cases where a seller accepts the purchase through a statement submitted by the claimant or a statement made before the Agency, the Secretariat shall promptly process the claim;
- 2.In all cases where the claimant submits such a statement, the Secretariat shall also make efforts to verify its authenticity.
- 3.In cases as per paragraphs 1 and 2 of this Article, the Secretariat shall ensure that the seller has registered the ownership of the property subject to the claim in the relevant cadastral registers;
- 4.Close family members or other persons who may inherit from the seller may submit a statement indicating their acceptance of the purchase.

Article 17
Communication with parties

Any person considered a party in accordance with this Regulation has the right to communicate with and receive information from the Agency in the language of their choice, as stipulated by the Law on the Use of Languages.

Article 18
Additional rules

- 1.In addition to the procedural rules outlined in this Regulation, the procedural rules of other sub-legal acts related to the Agency's operations, provided they are not in contradiction with this Regulation, shall also apply to the acceptance and review of claims for legal recognition of property rights;

2. Additional rules regarding the processing, verification, administration of evidence, and evidence review, as per articles 11, 12 and 14 of this Regulation, may be established through supplementary guidelines issued by the PCC.

Article 19
Entry into Force

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

Albin Kurti

Prime Minister of the Republic of Kosovo

05 January 2024