

L A W
ON EXPROPRIATION
(Amended text)
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CHAPTER I

GENERAL PROVISIONS

Article 1

The expropriation of real estate can be conducted according to the provisions of this law and provisions of the Law on expropriation of Socialist Republic of Serbia, which are applied throughout the territory of the Republic.

Article 2

Real estate may be expropriated when necessary for the construction of economic, housing, communal, health; cultural and other objects in common interest. Real estate may also be expropriated when necessary to conduct other construction in the common interest.

Real estate can be expropriated in particular for:

- construction of railroads, roads, bridges, airports, canals and for construction of buildings and plants dedicated for maintenance and use of these objects;
- construction of centers for production of electricity and plants for the delivery and distribution of such energy;
- construction and expansion of the factories and their plants, opening and expansion of mines;
- construction of telegraphic and telephonic plants and radio and television system;
- exploration of mine resources and other underground resources;
- regulation of flowing waters and rivulets;
- watering, drying and amelioration of the land;
- forestation of the land;
- construction of residences, roads, parks and squares;
- construction of water supply systems, canalization, gas line system, graveyards and other communal objects;
- construction of flats and buildings for business;
- construction of schools, museums, art galleries and other objects for education and cultural purpose;
- construction of hospitals, facilities for medical treatment and other objects for health and social purpose;
- construction of training institutes, sport fields, buildings for physical culture and other objects for physical culture and sport.

CHAPTER II

DETERMINATION OF COMMON INTEREST

Article 3

The common interest for construction of assigned objects, as well as all other works into real estate is determined by city planning.

If there is no city plan and the decision for construction of the assigned object - as well as all other works - into real estate is rendered by the Municipal Assembly, or by the Executive Council of Assembly of Socialist Autonomous Province of Kosova, for construction of that object into the land which must be expropriated, the common interest will be determined by that decision.

The common interest for exploration of mineral or any other natural resource will be determined by the Executive Council of Assembly of Socialist Autonomous Province of Kosova.

Article 4

If the building on which ownership exists and which needs to be expropriated is located on socially-owned land which, by city planning or spatial planning or by a decision which replaced that planning, is assigned for construction of flats, communal objects, public surfaces or for construction of other works for communal needs, the common interest for the construction on that land where the building exists shall be determined by that planning or by that decision which replaces it.

The municipal assembly's decision that replaces city planning, among others, must identify the borders of the land and the purpose for which it may be used.

The provisions of paragraphs 1 and 2 of this article shall not be applied if it is a situation where the building is authorized, according to city planning or the decision which replaces it, to be located on that land and its physical condition indicates no necessity to be demolished.

Article 5

In the case where the common interest is not determined according to articles 3 and 4, expropriation may be proposed only after the competent body - on the bases of a grounded proposal of the expropriator, renders the decision (pursuant to article 6) upon which the construction of the object on the assigned place shall be determined as common interest and upon which expropriation may start.

Article 6

If the decision for construction of the assigned object - as well as all other works - into real estate, for which a detailed city plan is not issued, was rendered by an organizational unit of labor or other organization or state body, except a state body from article 3 paragraph 3 of this law, the determination of the common interest for construction of the object on the land which is proposed for expropriation shall be made by the municipal assembly in which territory is placed that land.

If the land is placed in territory of many municipalities, the decision on determination of common interest shall be rendered by the Executive Council of Assembly of Socialist Autonomous Province of Kosova.

The charge, by which an administrative dispute is initiated against that decision, shall not suspend the procedure initiated by proposal for expropriation.

Decision on expropriation issued before the end of the administrative conflict can not be executed and it will be overruled if by the judgement rendered concerning that conflict the decision on determination of common interest and starting of expropriation is annulled or abrogated.

CHAPTER III

PREPARATORY ACTIVITIES FOR THE EXPROPRIATION

Article 7

For drafting of investing elaborate, submitting of proposal for determination of common interest or submitting of proposal for expropriation, the expropriator may be allowed to undertake the necessary preparations into real estate, such as examination of the land, taking of measurements etc.

Article 8

The proposal for permission of preparatory activities must contain: the purpose of expropriation, real estate in which the proposer thinks to perform the preparatory works, the owner of that real estate, the volume and the purpose of the works and their duration period.

About the proposal for permission of preparatory activities will decide administrative municipal body competent for legal-property issues.

Article 9

If the proposer prove that those works are necessary for the purposes assigned by this law, then the competent body will permit such works.

Deciding on permission for performing of preparatory works, competent body will take care that those works will be performed in appropriate time for the owner of real estate, taking in consideration the plants and the his purpose of using of real estate property.

Among others, in the decision must be assigned the preparatory works that may be undertaken and the time limit for their completing. By this decision can not be permitted constructing and other similar works.

Article 10

An appeal may be submitted against the decision issued by proposal for permission of preparatory works.

Article 11

The proposer whom is permitted performing of preparatory works is obligated to pay the compensation to the owner of real estate.

The provisions of this law on compensation for temporary occupation (article 74) and on procedure for determination of amount of compensation, applies also when the permission for preparatory works is given.

CHAPTER IV

THE DECISION ON EXPROPRIATION

Article 12

The proposal for expropriation may be submitted by social-politic community, organizational unit of labor, self-governing interest community, local community, social-politic organization, social organization assigned by law, and organization and other self-governing community (the user of expropriation), only after by this law is determined the common interest for construction of an object or performing of other works.

The proposal for expropriation shall be submitted to the municipal administrative body competent for legal-property affairs.

The proposal for expropriation on behalf of social-politic community and local community will submit the public defender.

When proposal is submitted on behalf of municipality, but for needs of user, public defender will submit the proposal for expropriation and perform other activities in the procedure of expropriation and determination of the compensation for expropriated real estate.

If the common interest is determined by decision of municipal assembly, the proposal for expropriation may be submitted within two years from day of rendering of such decision.

Article 13

The proposal for expropriation of real estate must identify:

1. the proposer of expropriation,
2. the user for which needs the expropriation will be performed,
3. real estate which is proposed to be expropriated and the area where it is placed,
4. the owner of real estate and his residence,
5. the object, respectively the works which need to be constructed into real estate which is proposed to be expropriated.

Article 14

To the proposal for expropriation will be added:

1. the extract from the land books or other public books in which the ownership on real estate property is registered, and which contains the notes on real estate property which is proposed to be expropriated. If these books do not exist then to add cadastral notes.
2. the certificate from the Society Accounting Service, issued according to the Law on construction of investing objects, which shows that the proposer of expropriation or another legal-society person for whom needs the expropriation is performing, has provided necessary means for compensation of expropriated real estate.
3. the document on determination of common interest for construction of object.

If the common interest for construction of object, as well as for other works is determined by decision issued pursuant article 3 paragraph 2 of this law, to the proposal for expropriation will be added the act of municipal assembly or Executive Council of Socialist Autonomous Province of Kosova, by which shall be confirmed that the above-mentioned body issued the decision on determination of location which includes the land which is proposed to be expropriated.

If the common interest is determined by the permission of competent body for works in exploration of mines resource or other resources (article 3 paragraph 3), this permission will be added to the proposal for expropriation.

If the common interest is determined according to city plan or decision which replace it (article 4), to the proposal for expropriation will be added extract from plan or decision concerning to the borders of the land and the purpose of its use.

If the common interest is determined by the decision of the competent state body (article 6 and 7), that decision will be added to the proposal for expropriation.

In the cities and similar residential places legal-society person, on which behalf will be performed expropriation will submit the documentation from paragraph 1 to 5 to the competent public attorney.

Article 15

The decision on proposal for expropriation will be issued by municipal administrative body competent for legal-property affairs in which territory is placed real estate, and all this in accordance with provisions of Law on general administrative procedure.

Before issuing the decision, above-mentioned body will interrogate the owner of real estate property.

Article 16

The decision by which the proposal for expropriation will be approved, among others, identify:

1. note of act on which bases is determined the common interest;
2. note of user of expropriation, while in the cities and similar places, the note about the legal-society person on which behalf the expropriation will be performed;
3. note of real estate which will be expropriated, counting the notes from the land books, while if real estate is not registered in a land or in other public book for real estate, taking the cadastral notes;
4. note on owner of expropriated real estate and on his residence or seat;
5. object and the works for which real estate will be expropriated.

Article 17

Against the decision of municipality administrative body, competent for legal-property affairs, which is issued on the bases of proposal for expropriation, an appeal may be submitted to the second instance body for the legal-property affairs.

Article 18

The proposer of expropriation is obligated to submit together with proposal for expropriation also the request for registration of expropriation in appropriate public books in which are registered factual rights on real estate.

The transfer of real estate related to noting of expropriation will not have legal impact towards the user of expropriation.

Article 19

The expenses for the procedure of expropriation, related to issuing of decision, will be paid the user of expropriation.

Article 20

The user of expropriation gain the right of possession of expropriated real estate on the day then decision on expropriation became powerful, or on the day determined by that decision, but not before the decision on expropriation takes powerful form.

Exceptionally, Executive Council of Assembly of SAP Kosova, according to the request of the proposer who submitted the document on provided means for payment of compensation for expropriated real estate, may decide to give into possession expropriated real estate before the decision became powerful, if confirmed that it is necessary because of urgent situation, or to eliminate considerable damage.

Against the decision from paragraph 2 of this article may not be submitted appeal, but could be initiate administrative contest.

If on the expropriated land is placed the building, another object or seedlings, competent body for legal-property affairs can not give that real estate into possession to the user of expropriation, before providing the data on value of that real estate in the presence of the proposer of expropriation and the former ownership.

If is it performing the expropriation of housing building or apartment which is the special part of that building, to the user of expropriation can not be given into possession expropriated real estate until the user will provide for the holders of occupancy right the possibility of using of another flat, this all if does not exist different agreement between parties.

If the user of expropriation has interfere in possession of real estate before the decision on expropriation became powerful, while the proposal for expropriation in further procedure is refused, the user is obligated to compensate owner for caused damage.

In the cases from paragraph 6 of this article, there the expropriation is performed in cities and similar places, the compensation of damage what is caused by interfering in property will pay the social-legal person for which needs the expropriation is performed.

If against the decision of municipal assembly, by which is determined the common interest for construction of assigned object, is initiated administrative dispute (article 6 paragraph 1 and 2), the real estate for which is issued the decision for expropriation before the dispute is over, can not be given into possession to the user of expropriation until the dispute will be completed.

Article 21

Until the decision became powerful the user of expropriation may withdraw completely or partly from the proposal for expropriation.

It will not be approve partly withdraw from expropriation if by that will be violated the rights of the owner of real estate and if the owner submit such claim.

If the user of expropriation and former owner both require that, the powerful decision will be annulled.

The powerful decision on expropriation will also be annulled on the bases of request of former owner of expropriated real estate, if the user of expropriation within term of three years from the moment of powerfulness of the decision did not undertake, according to the nature of object, necessary works in that object.

After ten years from the day when the decision on expropriation became powerful the claim for annulment of that decision can not be submitted.

About the claim for annulment of decision on expropriation and the withdraw from the proposal for expropriation shall decide the body which decided on the proposal for expropriation in the first instance, while property relations between the user of expropriation and the owner of real estate, in the case of dispute, will be regulated by regular court.

CHAPTER V

SPECIAL PROCEDURE FOR EXPROPRIATION IN REGIONS ENCIRCLED BY ELEMENTARY ACCIDENTS LARGE PROPORTIONS

Article 22

In the regions encircled by earthquake, flood and other elementary accidents, expropriation for construction of objects and performing of other works in order to eliminate the consequences caused by those accidents will be performed in accordance with the provisions of this chapter.

Article 23

The Executive Council of Assembly of SAP Kosova will assign the regions where will be applied the provisions of this chapter.

Article 24

Municipal assembly will determine the common interest in the cases from article 22 of this law.

The appeal against the decision for determination of common interest will not prevent execution of decision.

Article 25

The user of expropriation gains the right of possession of expropriated real estate when the decision on expropriation became final.

Exceptionally, by the request of proposer, the municipal assembly may decide to give real estate into possession before the decision on expropriation became final, if consider that is necessary because of urgent circumstances.

Article 26

If an residential building or an flat as a particular part of that building will be expropriated, the user of expropriation is in obligation to provide the former owner and other holders of occupancy right on that building with another flat within the term which can not be longer then 18 months from the day of evacuation from expropriated building or flat.

Until providing of appropriate flat the user of expropriation is obligated, before the building is demolished, to provide the persons from paragraph 1 of this article with temporary residence that fills essential life conditions (assigned number of rooms, electricity, water etc.).

Article 27

The land on which exists property right, as well as socially-owner property, may be occupied temporary when necessary to construct and placed temporary objects (business buildings, the buildings for placing of population etc.)

The decision by which is deciding for necessity and opportunity of temporary occupation of land has the character of decision on determination of common interest.

The appeal submitted against the decision by which is determinate temporary occupation of the land do not prevent execution of decision.

The temporary occupation of the land will be suspended immediately when the reason for its application ceases.

CHAPTER VI

COMPENSATION FOR EXPROPRIATED PROPERTY

1. The amount compensation

Article 28

The compensation for expropriated agrarian land will be determined in compliance with the market prices for agrarian land.

As a market price for agrarian land will be considered the market price which is set in the territory of region as well as in the dwelling where the agrarian land is placed. If market price is not settled in that territory, in consideration will be taken the market price which is settled in neighboring territory.

If the settling of market price is influenced by the fact that the agrarian land is placed in residential or touristic territory, or close to these residences as well as close to road traffic, artificial lakes, channels for melioration and other objects or in the places where the expropriation is expected, the compensation will be reduced proportionally with influence of these circumstances.

According to the provisions of mentioned paragraphs the owner will have the right in compensation also for the value of non-amortized investments important for long maintenance or improving of the land.

Article 29

The compensation for 1m² (one square meter) of expropriated land for construction will be determined by the percent of average market price which is set in previous year for one square meter of housing space, which can not be higher than 1% as well as lower than 0,2%.

By its act the municipal assembly determines the highness of percent from paragraph 1 for every year before, but not later than on 31 January of the year for which he decision must be issued.

Article 30

The compensation for expropriated constructed objects will be determined in accordance with the constructing value of expropriated object.

Constructing value of expropriated constructed object include: the value of material, the value of physic work necessary for construction of object, the expense of the transport of material and expense of drafting of documentation. The value of determined compensation would be reduced in dependence of persistence time of the object, as well as of the state on which the object is in the moment of determination of compensation and the possibility of its further using.

Article 31

The compensation for expropriated vineyard or orchard that gives the fruits will be determined in a way that the compensation for the land will be assigned in accordance with the article 28 of this law and to this amount will be added the value of non-amortized

investments deposited for construction and maintenance of such vineyard or orchard and the amount of net production which this vineyard or orchard would produce taking in consideration its antiquity and productivity, and all this so many years is needed to create new vineyard or orchard that will began to produce the fruits.

The compensation for expropriated new vineyard or orchard that do not gives the fruits will be determine as for land according to article 28 of this law and to such compensation, the value of deposited investments for its creating will be added.

According to the provisions of paragraphs 1 and 2 of this article the determination of compensation will also be done for the particular tree trunks and for the stumps of grapevine which are placed in the expropriated land.

Article 32

The compensation for expropriated tree farm is determined as well as for agrarian land (article 28). The compensation determined in this way will be added for the value of planting material (seedlings and other reproduction material), what did the owner not use until the day when user of expropriation entered on the property.

Article 33

The compensation for expropriated cutting of grown forest or nearly grown forest will be determine according to the value of the wood by stumps, in a way that from the price determined by social agreement for the assortments which may be produced from that wood will be take off expenses of cutting, perfecting, loading and transporting to the determined place.

The expense from paragraph 1 of this article include the salaries and material expenses that organizational units of labor counts for governing of forests in that economic-forest region.

The compensation for expropriation of young forest is determined according to the expenses for its growth added with the factor of raised value, so in the time of nearly growth for cutting to have the value of the wood stump.

The compensation determined by provisions of paragraph 1 and 3 of this article will be added with compensation for forestland what is determined in value of amount, which would be determined for the nearest agrarian land of similar quality.

The expenses for artificial growth of young forest will be determined in amount of expenses for forestation, while the expense for growth of young forest that is created in natural way will be determined in amount of expenses for artificial forestation by seed.

Article 34

As nearly grown forest for cutting, according to this law, is considered the forest which has at least two thirds of age of grown forest, while as an young forest is considered the forest which has up to two thirds of age of grown forest for cutting.

The forest of various ages (a rare forest and the forest of various age's in-groups) is considered as forest grown for cutting.

Article 35

The compensation for expropriated unproductive land is determined in amount of compensation that is determined for nearest lowest class of pasture.

Article 36

The provisions of articles 31 to 34 of this law shall be applied also in the procedure of determination of the compensation for vineyard, orchard, and tree farm and for the forests placed on the construction land.

Article 37

In a case of determination of compensation for expropriated building, as well as for particular part of that building, in consideration will taken also the circumstance that the user of expropriation, according to the article 20 paragraph 5 of this law, made possible to the owner and other holders of occupancy right on that building or flat, the using of another appropriate flat before the building is demolished, so the compensation from article 30 may be reduced up to 10%.

Article 38

If is expropriated the building or particular part of that building that is constructed without written permission of the competent state body after 15 February 1968, the former owner has no right in compensation for such real estate. The former owner may demolish the building and take the material within the term determined by competent body.

Article 39

Personal and material situation of former owner will be taken in consideration during evaluation of the compensation, if those circumstances are important for his material existence.

Article 40

The amount for expropriated real estate is determined by circumstances at the moment of issuing of first instance decision on compensation.

If expropriated real estate various types belongs to the same owner, in the case of determination of the compensation for its expropriation the compensation will be showed for each type of real estate (land, building, plants, etc.).

Article 41

If is expropriated the agrarian land that is ownership of farmer, the compensation may be determined in total or partially by giving in possession another real estate, but only by his approval.

Article 42

If is expropriated the business building or business promises, by its decision the municipal assembly is obligated to determined the conditions according to which the user of expropriation is in obligation, before demolition of building, to provide the former owner, who is exercising permitted activity, the use of another business building, for performance of the same activity.

Article 43

The former owner has no right in compensation for investing he done after was informed in written on submitted proposal for expropriation.

Article 44

If to the user of expropriation is given access to real estate before the decision on expropriation became final, the owner will be in situation to choose between the compensation determined according to the circumstances at the time of delivering of real estate or at the time of issuing of first instance decision.

Article 45

The former owner of expropriated land has the right to harvest the sows and to pick up the fruits.

The competent body for deciding on expropriation, in urgent cases, may allowed the user of expropriation, on his request, to begin performing of works before the time of harvest and fruit gathering.

Against the decision from previous paragraph an appeal may be submitted to the competent second instance body. The appeal cannot stoop the execution of decision.

If the former owner was not in situation to harvest the sows or to gather the fruits because the user of expropriation was allowed to begin with works in expropriated land before the harvest or gathering of fruits, the former owner has the right in compensation for the sows and fruits, reducing the expenses which could have until the harvest and gathering.

Article 46

In the case of fixing the servitude the compensation will be determined in amount for which, because of servitude, is reduced the value of the land or building.

The reduced value of land or building is determined according to the procedure for determination of compensation pursuant to this law.

Article 47

In the case of determination of rent the compensation shall be fixed in amount of rent which is realized for the nearest similar lands.

The compensation may be determined in a form of once given amount for all duration of the rent or by giving time to time in same periodic times.

The compensation will be accounted from the day then the user of expropriation begin with the possession of the land.

If after the determination of the rent the damage is caused on the land, in compensation will be included also the payment for that damage.

Article 48

The compensation for temporary occupation of the land will be determined in amount and in a way prescribed by this law for the compensation in the case of determination of the rent.

2. The procedure of determination of compensation

Article 49

After the decision on expropriation became final, the municipal administrative body competent for legal-property issues is obligated to assigned and hold, without delay, the process for determination of compensation on the base of agreement for expropriated real estate.

The user of expropriation is obligated to submit the written offer to the competent body from paragraph 1 of this article on the amount of compensation within the term that can not be longer than 15 days from the day then the decision on expropriation became final.

The body from the paragraph 1 of this law will sent without delay the copy of offer to the former owner of expropriated real estate and from the administrative and other body's will receive the information's on the facts that may be important for determination by agreement of the amount of compensation.

Article 50

By agreement on compensation for expropriated real estate must be determined, specially, the form and amount of compensation, and the term within which the user of expropriation is obligated to fulfill the obligation in the respect of compensation.

The agreement may be concluded on one part of compensation.

The agreement on compensation or on one its part will be noticed in a record that must include all necessary data concerning the fulfillment of obligation of the user of expropriation.

The record on what is noticed the agreement on compensation or on its part has the power of act of executive character.

After the decision on expropriation became final the parties can not make the agreement on amount of compensation out of assigned procedure by this article and article 49 of this law.

Article 51

One copy of the record on which, according to the article 50 paragraph 3 of this law is noticed the agreement on expropriation of real estate, will be sent to the competent public defender.

If the public defender consider that the parties made agreement on compensation in the damage of social community he will submit the complain to the competent court with the purpose of annulment of such agreement. The complain may be submit within 15 days from the day of receiving the record of agreement on compensation, or latest within 6 months from the day of agreement.

The submitted complain stoops the payment of compensation in challenged part.

Article 52

If the agreement on total compensation can not be reached within 3 months from the day when the decision on expropriation became final, the municipal body competent for legal property affairs will delivery, without delay, all the acts to the municipal court in which territory is placed expropriated real estate, in order to determinate compensation.

The administrative municipal body may also delivery to the court the final decision on expropriation with added acts before the expiration of the term from paragraph 1 of this article, if it is evident that the agreement on compensation will not be reached.

If the municipal body does not act in accordance with the provision from paragraph 1 of this article, the former owner of expropriated real estate may directly ask from the court to determine the compensation.

Article 53

If in the court's procedure for determination of compensation, pursuant to the article 52 of this law, the parties made the agreement on compensation, a copy of such agreement the municipal court will send to the competent public defender.

If the public defender consider that the agreement concluded pursuant paragraph 1 of this article is in the damage of social community, he may submit the complain to the competent court within 30 days from the day of receiving of agreement.

Article 54

The expenses of procedure for determination of expropriated real estate by agreement will take the user of expropriation.

The expenses of court's procedure for determination of compensation shall assign the court proportionally with the success of the parties in that procedure.

Article 55

Within the term of 15 days from the day of receiving of final decision, by which is determined the compensation, the user of expropriation is obligated to pay the compensation to the former owner.

In the amount of the compensation for the former owner, the user of expropriation is obligated to include also the interest in amount of the interest for deposition of money without time limit per year, from the day of beginning of real estate possession until the expiration of the term from paragraph 1 of this article, but not for time before 15 February 1968.

If within the term from paragraph 1 of this article, the user of expropriation does not pay the compensation to the former owner, he is obligated to pay for the amount of unpaid compensation the double interest from paragraph 2 of this article from the day of expiration of the term until the day of payment.

The provisions of paragraphs 2 and 3 of this article shall be applied also in the case of the payment of compensation for nacionalized construction land.

For fulfilling of the obligation by non-monetary means, the term will be determined by the decision on compensation.

Article 56

If because of the expropriation will be suspended the mortgage, the right on products or any other effective right which exist before the expropriation of real estate, the user of expropriation is obligated to deposit the amount of compensation at the bank in special account.

In such case the bank will pay the compensation to the former owner of expropriated real estate, as well as the request of effective possessor, only on the bases of court's decision, or parties written agreement legalized by the competent body.

Article 57

The registration of ownership and other rights on expropriated real estate may be exercised only if the user of expropriation submit to the court, among other documents, the decision on compensation and the bank certificate that he paid the compensation for expropriated real estate.

The registration of ownership and other rights on real estate, which is given as the compensation to the former owner of expropriated real estate, will be exercised on the bases of final decision on expropriation and compensation.

CHAPTER VII

THE EXPROPRIATION OF COMPLEXES OF LANDS FOR THE NEEDS OF CONSTRUCTING OF CONSTRUCTED OBJECTS AND PREPARING AND ARRANGEMENT OF LANDS

Article 58

The expropriation of complexes of lands may be performed for construction of constructed objects and preparing and arrangement of lands for such construction.

If by the provision of this law is not regulated in different way, the provisions of this law on total expropriation of real estate shall be also applied for expropriation of complexes of lands for the needs of constructing of constructed objects and preparing and arrangement of lands for such constructions, except if, by applying the provisions on construction land, this land can not be pronounced as social property.

Article 59

The complex of lands may be expropriated for the purposes of constructing of constructed objects and for preparing and arrangement of the lands only if for such complex is issued detail city plan.

The common interest for the necessity of construction from paragraph 1 of this article is determined by detail city plan.

Article 60

If on the expropriated land is placed the building, which, by detail city plan may be located on that place and its physical condition indicates no interest to be demolished, such building can not be expropriated.

The owner of the building gains the right of using the land on which the building is placed and the land that is necessary for regular using of building, on the day when that land became social property.

The right of using the land from paragraph 2 of this article will last until the building exist on that land and this right may not be transferred to the third person.

In the case of transfer of property right on the building that is placed on the land in what exist the right of using, the new owner of the building will also gain such right.

The owner of residential building may construct, instead existed building, a new building on what he may have the property right, if such construction is in accordance with detail city plan.

Article 61

The complex of lands may be expropriated for the needs of constructing of constructed objects and preparing and arrangement only in benefit of municipality in which territory is placed that complex.

The municipality may give the expropriated land for use to legal persons the in order to construct the buildings and other objects, and to perform other works, in accordance with detail city plan.

In accordance with the detail city plan the municipality may give for use expropriated land also the citizens in order to construct the buildings on which they can have the right of property, if that land is arranged for such constructions.

Article 62

The constructing land, unusable at the moment, that became social property by expropriation or nationalization, will remain on possession of former owner until the day when by decision for taking the possession issued by municipal administrative body competent for legal-property affairs, the former owner is obligated to hand off the possession to municipality.

The former owner may also hand off the possession before the decision on taking off is issued, and in that case the municipality is obligated to except such land.

In the cases from paragraph 1 and 2 of this article the compensation for the land will be determined immediately after the owner hand off the possession to municipality.

Article 63

The former owner of non-constructed land, that became social property on the bases of expropriation or nationalization, has priority right to use such land on surface what is needed for construction of the building on which he may have the property right and for its regular using, if by detail city plan on that land may be constructed such building.

Article 64

Within 3 years from the day of issuing of decision for giving the land on possession, the former owner is obligated to construct the building.

If does not acts according to the provision from paragraph 1 of this article, the former owner will loose the priority right for using of the land on what he was obligated to construct the building.

Extinction of priority right for using of land from paragraph 2 of this article will be assigned by the decision of municipal administrative body competent for legal-property affairs.

Article 65

The holder of the right from article 61 paragraph 2 and 3 and the right that is realized according to the article 63 of this law can not transfer these rights to the third person.

The right from article 61 paragraph 3 of this law may inherit the legal inheritors of the person whom the land is given in possession with the purpose to construct.

Article 66

The holder of the right from article 63 of this law these rights can transfer to the spouse, children, adoptive, parents and adopter.

The spouse, children, adoptive, parents of adoptive can not transfer the rights from paragraph 1 of this article to the third person.

The rights from paragraph 1 of this article can inherit the inheritors of former owner, spouse and his legal inheritors, the children, adoptive, parents and adopters, whom the former owner, according to this law, transferred these rights.

Article 67

The provision of article 64 of this law are applied also related the persons whom the former owner transferred the right of using realized according to article 63 of this law, as well as the persons who inherit that right, while the term of 3 years for construction of the building for these persons begin also from the day when to former owner was delivered the decision for giving the land in possession.

Article 68

The user of expropriation (municipality) is obligated to pay the former owner the compensation within the term of 15 days from the day of receiving the final decision by what is determined the monetary compensation for expropriated land.

Article 69

The provision of article 21 paragraph 4 and 5 of this law will not be applied in case of expropriation of land complexes.

CHAPTER VIII

ADMINISTRATIVE TRANSFER OF THE RIGHT OF USING OF LAND IN SOCIAL PROPERTY WITH PURPOSE OF CONSTRUCTION

Article 70

The common interest for administrative transfer of land is determined in accordance with provisions of articles from 3 to 6 of this law, if by special law is not otherwise prescribed.

Article 71

If on the land, that is transferred according to the provisions of article 64 of this law, are placed the buildings or other socially owned objects, the politic-social community, organizational unit of labor, self-governing interest community, local community, politic-social organization, social organization assigned by law and other organization and self-governing community on which is transferred the right of using the land, by this transfer gain also the right of using the building or other object, as well as all other rights that the user of expropriation gain in accordance with the aim of transfer.

Article 72

For the rights taken concerning the land or other natural resources, the organizational unit of labor, as well as other social-legal person, has the right on compensation only for the work and means deposited on that land or in other natural resource.

If the land or other natural resource presents the work condition, the organizational unit of labor, as well as other social-politic person has the right on compensation by which is provided that those conditions are not harder.

For the rights taken concerning the buildings and other constructing objects, the organizational unit of labor, as well as other social-legal person, has the right on appropriate compensation.

The compensation from paragraphs 1 to 3 of this law will pay the person to who is the transfer done.

Article 73

On the land that is in social property may be determined the right of passage, transport, using the waters, fixing the water system, fixing of plants for electricity and other servitude in benefit of social-politic community, organizational unit of labor, self-governing community of interest, local community, social-politic organization, social organizations assigned by law and other self-governing organizations and communities.

Compensation for establishment of servitude is determined pursuant to provisions of article 72 of this law.

Article 74

Socially-owner land may be temporary occupied if it is necessary and opportune to construct the object of common interest and for arrangement of that land for such construction.

Temporary occupation may be performed in benefit of social-politic community, organizational of unit labor, self-governing community of interest, local community, social-politic organization, social organization assigned by law and other self-governing organization and community.

For temporary occupation of socially owned land shall be determined the appropriate compensation.

For effective damage in the case of temporary occupation the compensation will always be paid, while other compensation will be given only if by provisions of this chapter the compensation is given for transfer of the right for using the land or for other right.

The compensation for temporary occupation goes in the benefit of holder of using right or other right on temporary occupied land.

Article 75

Municipal administrative body competent for legal-property affairs will issue the decision on determination of servitude or temporary occupation.

Article 76

The provision of this law on expropriation of real estate applied also for transfer of the right of using the land or other right, for determination of servitude on socially owned land and temporary occupancy of socially owned land, if by the provisions of this chapter is not otherwise regulated.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

Article 77

The procedure for determination of compensation for expropriated real estate will be applied and the compensation will be determined in accordance with provisions of Law on expropriation ("Off. Gazette of SAPK" no.25/73) for all cases what, on the day of entering into force of mentioned law, does not exist the final decision on compensation.

Article 78

In the court procedure of determination of compensation all submissions and decisions are free charge.

Article 79

The provisions of article 55 of this law applied also for all cases where the compensation is not paid until the day of entering into the force of Law on expropriation ("Off.Gazette SAPK", no.25/73).

Article 80

The municipal assembly will render decision from article 42 of this law at the latest within six months from the day of entering into the force of Law on expropriation ("Off. Gazette SAPK" no.19/77).

Article 81

The provisions of Law on amendments and supplements of Law on expropriation ("Off. Gazette SAPK" no.19/77) applied for compensation in all cases where the compensation is not finally determined until the day of entering into the force of Law on amendments and supplements of Law on expropriation ("Off. Gazette SAPK" no.19/77).

L A W
ON AMENDMENTS AND SUPPLEMENTS OF LAW ON EXPROPRIATION
("Official Gazette SAPK" no.46/86)

Article 1

In the Law on expropriation ("Official Gazette SAPK" no.21/78, amended text), after Article 2 are added two new articles that state:

"Article 2a

Compensation for expropriated real estate is determined in monetary means.

Compensation for expropriated agrarian land of farmer, whom that land is condition for existence, is determined by giving on ownership another appropriate agrarian land.

The provision of paragraph 2 of this article are not related with the cases when the user of expropriation does not at his disposal such land or is not able to provide it.

By agreement of parties, the compensation may also be determined in giving of another real estate in ownership, co-ownership, in use or in another form."

"Article 2b

Agreement on compensation of expropriated real estate will be concluded before the administrative municipal body competent for legal-property affairs.

If the agreement on compensation will not be reached, the compensation will be determined by court in undisputed procedure.

The procedure for determination of compensation for expropriated real estate is emergent procedure.

Against final decision on determination of compensation is not permitted revision."

Article 2

Paragraph 2 of Article 3 is amended and states:

" In the case when the detailed city plan is not issued, the common interest will be determined by decision of municipal assembly on which territory is placed real estate that is intended to be proposed for expropriation, as well as by decision of other by law authorized body."

Article 3

After article 3 are added three new articles that state:

"Article 3a

The common interest for construction of assigned object, as well as for performing of other works on the land that is placed in territory of many municipalities, will be determined by common decision of interested municipalities, while if agreement miss, the decision will issue Executive Council of Socialist Autonomous Province of Kosova."

"Article 3b

Before rendering the decision on determination of common interest for constructing of assigned object, or for performing of other works on tilled agrarian land, the municipal

assembly or other by law competent bodies are obligated to provide the suggestion from local community in what territory is placed real estate, from organizational unit of labor that deals with agrarian activities is municipal region and from institution of agrarian field.

If the suggestion from paragraph 1 of this law is not accepted, the municipal assembly and other competent bodies are obligated to present the reasons why they did not take in consideration the same suggestions.”

“Article 3d

If against decision on determination of common interest is initiated administrative dispute, the procedure by proposal for expropriation will not be interrupted.

If by judgement is overruled the decision on determination of common interest, the decision on expropriation will be also overruled.”

Article 4

Articles 4,5 and 6 are deleted.

Article 5

In Article 12 paragraph 2 at the end the full stop is replaced by coma and after are added the words: “municipality in what territory is placed the real estate which is proposed to be expropriated”.

In the same article, paragraph 5, after the word “municipality” is added the follow: “or other by law assigned body.”

Article 6

In Article 14, paragraph 1, item 2 after word “means” are added the works: “separated in special account”.

In the same article, paragraph 2 is changed and states:

“If the common interest for construction of objects, as well as for performing of other works is determined by detail city plan (Article 3 paragraph 1), added to the proposal for expropriation will be submitted also the certificate from detail city plan that is related with the borders of the land and the purpose for what it may be used.”

After paragraph 2 is added new paragraph 3 that states:

“If the common interest is determined by decision of municipal assembly, as well as of other by law assigned body (Article 3 paragraph 2), that decision will be added to submitted proposal for expropriation.”

Paragraph 3 becomes paragraph 4, while paragraph 4 and 5 are deleted.

In paragraph 6 that became paragraph 5 the words: “from paragraph 1 to 5” are replaced by words: “1 to 4”.

Article 7

In Article 16 after item 5 are added item 6 and 7 that state:

“6. the obligation of owner to delivery real estate in possession to user of expropriation, while in the cities and residential places with the character of city, to last user, and the term for delivery.

“if is expropriated residential building or apartment as particular part of building, or business space, the user of expropriation is obligated to provide the former holder of occupancy right, as well as the owner of business space the using of other appropriate apartment or business space”.

Article 8

After Article 20 are added two new articles that state:

“Article 20a

The execution of decision on expropriation will not be permitted:

1. on expropriated residential buildings and business spaces, if the user of expropriation has not submitted the proofs that he provided appropriate apartment or business space,
2. on expropriated and taken land placed under the building and the land that serves for regular maintenance and that is separated of execution of building,
3. until fulfillment of conditions, if, with agreement of parties, the execution is conditioned.

“Article 20b

When on expropriated land is placed the building, other objects or sows, the municipal body competent for legal-property affairs can not give such real estate to user of expropriation until is determined the value of that building, other objects or sows, or until is provided the certificate on their value.

If real estate is given to the user before the decision became final, while the proposal for expropriation in further procedure is finally rejected, the user of expropriation is obligated to give back real estate and to compensate the damage.

In the cities and residential places with character of city, the obligation to give back real estate and compensate the damage from paragraph 2 is the duty of last user. In the case of dispute, legal-property relations between the user of expropriation and the owner of real estate will decide regular court.”

Article 10

In Article 21, paragraph 1 word “gradually” is replaced by word “totally”.

In paragraph 3 of same article, at the end, instead full stop is placed coma and these words are added: “except in the case of expropriation of complex of lands”.

In paragraph 5 of same article number “10” is replaced by number “5”.

After paragraph 5 two new paragraphs are added, that state:

“When complex of lands is expropriated, the final decision on expropriation will be overruled by the request of the former owner if, within five years from the day when decision became final, on the complex of land are not performed significant works in preparing and arranging of land.

After the term of six years from the day when decision on expropriation became final expires, there is not allowed the request for overruling of such decision.

Up to now paragraph 6 becomes paragraph 8.

Article 11

In Article 26, paragraph 1 after word: “to owner” are added words: “as well as user”.

In the same article after paragraph 2 is added new paragraph 3 that states:

“The provisions of paragraphs 1 and 2 of this article applies also in the case of expropriation of business space, with the obligation for the user of expropriation to provide another business space for the owner of business space, where he will perform his business activities.”

Article 8

After Article 20 are added two new articles that state:

"Article 20a

The execution of decision on expropriation will not be permitted:

1. on expropriated residential buildings and business spaces, if the user of expropriation has not submitted the proofs that he provided appropriate apartment or business space,
2. on expropriated and taken land placed under the building and the land that serves for regular maintenance and that is separated of execution of building,
3. until fulfillment of conditions, if, with agreement of parties, the execution is conditioned.

"Article 20b

When on expropriated land is placed the building, other objects or sows, the municipal body competent for legal-property affairs can not give such real estate to user of expropriation until is determined the value of that building, other objects or sows, or until is provided the certificate on their value.

If real estate is given to the user before the decision became final, while the proposal for expropriation in further procedure is finally rejected, the user of expropriation is obligated to give back real estate and to compensate the damage.

In the cities and residential places with character of city, the obligation to give back real estate and compensate the damage from paragraph 2 is the duty of last user.

In the case of dispute, legal-property relations between the user of expropriation and the owner of real estate will decide regular court."

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"When complex of lands is expropriated, the final decision on expropriation will be overruled by the request of the former owner if, within five years from the day when decision became final, on the complex of land are not performed significant works in preparing and arranging of land.

After the term of six years from the day when decision on expropriation became final expires, there is not allowed the request for overruling of such decision.

Up to now paragraph 6 becomes paragraph 8.

Article 11

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In the same article after paragraph 2 is added new paragraph 3 that states:

"The provisions of paragraphs 1 and 2 of this article applies also in the case of expropriation of business space, with the obligation for the user of expropriation to provide another business space for the owner of business space, where he will perform his business activities."

The construction value, according to this law, includes also the expenses for arrangement of land for construction, as well as the expenses for drafting technical documentation and these expenses will be compensated to:

1. former owner who had such expenses during construction of expropriated object,
2. former owner of expropriated residential building or apartment, no matter if such expenses he had at the time of constructing of expropriated object, if at the moment of submitting of proposal for expropriation he lived in expropriated building or apartment and do not ask for providing of an appropriate apartment if he already is in the process of constructing a new building.
3. former owner of expropriated business space who, at the moment of submitting of proposal for expropriation, in that space performed by his personal work by law permitted activity and who started with constructing of new business place, while do not require providing another business place.

In the cases from items 2 and 3, paragraph 3 of this article the user of expropriation will compensate the expenses for arrangement of land for construction and for technical documentation to the former owner who submits the evidences that he paid these expenses within one year from the day he received the compensation for constructed object.

Article 16

After article 30 are added four new articles that state:

“Article 30a

If because of natural elementary accidents, or other reasons expropriated object is damaged before its expropriation, the construction value of such object will be reduced proportionally to that damage. The amount for what is reduced the construction value will be accounted by drafting of pre-calculation for reconstruction of object.

If life time limit of object is extended, or it is damaged in such way that makes it unusable, the construction value of that object will be determined on the bases of value of usable material.”

“Article 30b

During determination of compensation for expropriated residential building, apartment or business space will be also taken in consideration the circumstances under which the user of expropriation is obligated to provide the former owner of building, apartment or business space using of appropriate apartment or business space before demolition of his object, therefore the construction value from Article 30 of this law may be reduced up to 10%.

The construction value from Article 30 of this law will not be reduced if, by agreement of parties, to the former owner of residential building, apartment or business space is given the right of ownership or co-ownership on other building, apartment or business space.”

“Article 30c

The compensation for expropriated economic buildings in which the former owner or the members of his family performed special agrarian producing, is determined in amount of market price of such objects that is set in that place. If the market price is lower then construction value from Article 30 of this law, then the compensation will be determined in amount of construction value.

If the former owner or the members of his family did not performed any special agrarian producing in expropriated economic building, the compensation will be determined according to construction value pursuant Article 30 of this law”.

“Article 30d

The price of construction and other material that is needed for construction of object is determined according to the average price of these materials on retail in the place where the expropriated object is placed or in the nearest place where that material is sell.

The value of labor force necessary for construction of the objects is determined according to average price of proper services that in that place performs the joint works organization”.

Article 17

Articles 37 and 38 are deleted.

Article 18

Article 42 is deleted.

Article 19

At the end of Article 43 instead full stop is placed coma and these words are added: “except the expenses that were necessary for using of real estate.”

After paragraph 1 new paragraph 2 is added that states:

“The body competent for issuing of decision on expropriation will sent the information on submitted proposal for expropriation to former owner.”

Article 20

In Article 48, after paragraph 1 new paragraph 2 is added that states:

“The compensation for preparing works is determined in amount and in a way as is by this law prescribed for setting of rent, whereas as a bases for counting of compensation will be taken the duration of preparing activities.”

Article 21

After Article 50 new article is added that states:

By its decision the municipal administrative body competent for legal-property affairs will refuse concluded agreement on amount and forms of compensation expropriated real estate if it consider that the agreement is in contrary with obligatory provisions of self-governing regulations of labor people on possession of society means and with other obligatory provisions and moral of socialist self-governing society.

Against decision from paragraph 1 of this article can not be submit complain, nor initiate administrative dispute.

If administrative body refuse conclusion of agreement on compensation, all official letters from the file on expropriation with a decision of refusing the agreement will submit, without delay, to the competent municipal local court in order to determine compensation.

If in the procedure of agreement has participated the public defender as a party, the body from paragraph 1 of this law can not refuse to give its approval on concluded agreement.

Article 22

In Article 51, at the end of paragraph 1 the full stop is deleted and these words are added: "with all files of expropriation, within seven days from the day of concluding the agreement."

Article 23

After Article 51 two new articles are added that state:

Article 51a

In the procedure before municipal administrative body competent for legal-property affairs or before competent court, the parties may agree on: monetary amount of compensation, giving of other real estate of proper value in ownership (or in co-ownership, if expropriation has to do with residential building or apartment), their reciprocal payment of differences in value of real estate, replacing the expropriated object in other, by law permitted, place, construction of passages and approachable roads, and also on other, by law permitted activities.

It is not permitted to give the compensation to former owner instead providing of proper apartment or business space.

Article 51b

Agreement on monetary compensation will be executed by competent court, while agreement on other forms of compensation by administrative body competent for legal-property affairs."

Article 24

In Article 55 paragraph 3 is amended and states:

"If municipal administrative body competent for legal-property affairs does not act according to the provision of paragraph 1 of this article, the former owner and user of expropriation may directly require from court determination of compensation".

Article 25

Article 55 is amended and states:

"The user of expropriation is obligated to pay the compensation to former owner within 15 days from the day of receiving the final decision, by which is determined monetary compensation.

If the user of expropriation do not pay the former owner within 15 days from the day of receiving the final decision by what is determined the monetary compensation, he is obligated to pay the proper interest.

The proper interest is considered the interest that is needed to be paid for money that is supposed to be deposited in the bank for the time from moment of getting in possession to the moment of payment the compensation to former owner.

The user of expropriation is obligated to pay interest from paragraph 2 of this article in amount of compensation for former owner, in accordance with the provisions that applies from the day of getting in possession of real estate until the term from paragraph 1 of this article, but not for period before February 15, 1968.

The provisions of paragraphs 2 and 3 of this article also apply in case of payment of compensation for taken urban land for construction.

For execution of non-monetary obligations the term will be determined by agreement of parties, as well as by decision on compensation”.

Article 26

Article 56 is amended and states:

“By the day then the decision on expropriation became final on expropriated land stoops to be in force mortgage, personal servitude, all real burdens, except the personal servitude that’s performing is possible after starts with dedication of real estate.

Real rights from paragraph 1 of this article will be deleted from public books by proposal of user of expropriation.

In the case from paragraphs 1 and 2 of this article the user of expropriation is obligated to deposit the amount of compensation at the bank in special account, thus by compensation also deposit arrived interest. The bank will pay the compensation to the former owner, as well as the demands of holders of real right, only on the bases of written agreement confirmed by competent body, or by decision of the court.”

Article 27

In Article 59, at the end of paragraph 1 the full stoop is deleted and these words are added: “even thou the construction of objects is foreseen by middle term plan of appropriate political-social community”.

Article 28

Article 63 is amended and states:

“The former owner of the land expropriated according to Article 58 of this law has the right of priority in using of that land for construction of building on what, according to law, may gain the right of ownership within the borders of one construction parcel which surface is necessary for regular use of building, if pursuant detail city plan in that land may be constructed such building (priority right in construction), under conditions and in a way prescribed by Law on land for construction”.

Article 29

Articles 64, 65 and 66 are deleted.

The title of chapter VIII, before Article 70, is amended and states:

“Taking, limiting and transfer of rights on socially owned real estate (administrative transfer)”.

Article 30

Article 70 is amended and states:

“By decision of administrative municipal body competent for legal property affairs the rights of organizational unit of labor and other legal-society person concerning socially owned real estate may be taken or limited and transferred on other organizational unit of labor or other legal-society person only if it is required for needs of planning arrangement of space or construction the object of socially importance or other common interest determined by law.

The common interest for taking or limiting of such rights is determined in a way that is by law determined for expropriation of real estate.”

Article 31

Article 71 is deleted.

Article 32

In Article 72, paragraph 3 and 4 are deleted.

Article 33

After Article 72 two new articles are added and state:

“Article 72a

For taken rights concerning buildings and other constructed objects, organizational unit of labor, as well as other legal-social person has the right in compensation, as follow:

1. in amount that is needed to buy such building or object, if the building or object presented condition for work or material bases of organizational unit of labor, as well as other legal-society person.

2. in amount of construction value determined according to Article 30 of this law, if the building or object was gained by transfer with compensation, by buying or financing the construction, while they did not presents work condition nor material bases of organizational unit of labor, as well as other legal-society person.

3. in amount of deposed means for gaining and investing arrangement, if the building or object was gained by transfer or by act of competent organ, while they did not presents work condition nor material bases organizational unit of labor, as well as other legal-society person”.

“Article 72b

The compensation is determined in money, as well as in giving of other real estate, by agreement of parties.

The compensation from Articles 72 and 72a of this law carry out the legal-society person on which the right is transferred.”

Article 34

Article 73 is amended and states:

“On socially owned land may be established the servitude right of passage, transport, using of waters, fixing of plants for transferring of electricity and other servitude in benefit of legal-society persons.

For established servitude is determined the compensation in amount reduced value of land or building because of establishment of servitude”.

Article 35

In Article 74 paragraph 3 the word “appropriate” is deleted, as well as the full stop and these words are added: “in amount of rent that is realized for nearest similar land”.

After paragraph 3 new paragraph 4 is added and states:

"The compensation from paragraph 3 of this article does not exclude the right of compensation for damage according to the provisions on responsibility for damage".

Paragraphs 4 and 5 are deleted.

Article 36

Article 76 is amended and states:

"If by provisions of Articles from 70 to 75 of this law is not otherwise determined, the provisions of this law on expropriation, applies in the case of taking of limitations and transfer of right on real estate in social ownership."

Article 37

After Article 77 two new articles are added and state:

"Article 77a

The provisions of this law will be applied in all cases that are not finally completed until the day of entering into the force of this law".

"Article 77b

Municipal administrative body competent for legal-property affairs keeps the evidence on expropriation of real estates for territory of municipality.

The content and manner of keeping the evidence on expropriation of real estates will assign the director of Provincial directorate for legal-property affairs.

Every three months the competent municipal body submits compiled data from evidence pursuant paragraph 1 of this article to the Provincial directorate for legal-property affairs".

Article 38

Article 80 is deleted.

Article 39

The Legislation Commission of Assembly of SAP Kosova is authorized to determine amended text of Law on expropriation.

Article 40

This law enter into force on eighth day as of the day it is published in the "Official Gazette of Socialist Autonomous Province of Kosova".