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PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

LAW NO. 2003/25

LAW ON CADASTRE

The Assembly of Kosovo,

Pursuant to authority given according to sections 5.7, 9.1.26 (a), 9.1.44 and 9.1.45 of the Constitutional Framework on the Provisional Institutions of Self-Government (UNMIK Regulation No. 2001/9) and annex IX (x) of Regulation No. 2001/19 on the Executive Branch of Provisional Institutions of Self-Government in Kosovo.

With the aim of legally regulating the cadastre field according to modern standards,

Hereby adopts, as follows:

Law on Cadastre

Part 1. Introductory provisions

Section 1

Purpose

1.1. This Law constitutes the Cadastre as the Official Register to make the census of land parcels, buildings, parts of buildings and conductive of underneath buildings in Kosovo.

1.2. The Official register consists on census of all recorded data on land, buildings, parts of buildings, cadastral plans and the whole cadastral set of forms with purpose of: Land Information System, it shall support the administrative, juridical, economical and scientific purposes.

1.3. The cadastral surveying shall raise and verify the data for the Kosovo Cadastre and the Cadastre and Land Information System of Kosovo (KCLIS). It shall secure the basis for the immovable property rights by the creation of land parcels, buildings and part of buildings and the determination of their boundaries.

1.4. All other governmental institutions in Kosovo dealing with land, buildings or parts of buildings shall use the objects, which are defined in the Cadastre.

Section2

Definitions

2.1.Immovable (real) property: land natural objects attached to it, Business commercial Buildings , Residency Buildings and (apartments) as special units of Residency Buildings

2.2.Cadastral procedures: Procedures described for reviewing and deciding based on this Law.

2.3.Cadastral measurements (surveying): The surveying and mapping of land parcel boundaries in support of a country's land administration or land registration system.

2.4.Cadastral map: A map showing the boundaries of land parcels, references to boundary corner marks, buildings on the parcels, and the parcel and building identifiers. Older cadastral maps may not show all these features.

2.5.Boundary: Either the physical objects marking the limits of a property or an imaginary line or surface marking the division between two land parcels. Also used to describe the division between features with different administrative, legal, land-use, topographic, etc., characteristics.

2.6.Building:A building is a structure where a person may enter and is designed for permanent or temporary residence, conducting a business or any other activity , shelter such as.

2.7.Part of building: A part of building is an apartment, commercial premises or one or several rooms in a building, which can be a special physical whole entity or an independent object of property dealings transactions.

2.8.Land information system (LIS): LIS is a system for acquiring, processing, storing and distributing information about land in textual and graphical databases, and **Kosovo Cadastre and Land Information System - KCLIS:** KCSLIS is a system for acquiring, processing and distributing the textual and graphical data on land.

2.9.Land parcel: The land parcel is an undivided land property formed by boundaries and boundary points, located within one cadastral zone and recorded in the Cadastre as a land parcel with a unique number.

2.10.Property formation: Forming of new immovable property units through subdivision or/and amalgamation.

2.11.Amalgamation: Creating of new cadastral units through merging (amalgamation) of existing ones.

2.12.Subdivision: Creating of new cadastral units through parcellation (subdividing) from existing ones.

2.13.Utility: A construction to serve infrastructure purposes like high voltage power lines, water and sewerage mains, pipes for transport of gas and oil etc.

2.14.Cadastral Zone: A territorial area within a municipality with a unique name and cadastral number. The cadastral zone is further divided into land parcels.

2.15.Ministry: Ministry of Public Services (MPS)

2.16.KCA: Kosovo Cadastral Agency. The central agency responsible for the Cadastre.

2.17.MCO: Municipal Cadastral Office. The body on local level responsible for recording data in the Cadastre. The MCO might also be responsible for cadastral

procedures and measurements. The MCO-s are performing their activities in the cadastral field under the supervision of KCA.

2.18.Licensed Surveying Company: a Surveying company registered in the Business Register and licensed by KCA as competent to perform cadastral procedures and measurements as defined in this law.

2.19.Other licensed company: A company registered in the Business Register and licensed by KCA as competent to draw floor plans.

2.20.Licensed surveyor: A surveyor licensed by KCA as competent to be responsible for cadastral measurements and other cadastral procedures as defined in this law.

Section 3

Authorizations and Responsibilities

3.1.The Kosovo Cadastral Agency (hereinafter: Agency) shall be responsible for the Cadastre and have the authority to constitute and maintain the overall official evidences on immovable properties pursuant to the recorded dates of census and land cadastres and has the authority to make the overall supervision of cadastral activity as well as issuing of the other sub normative acts regarding to cadastral activity.

3.2.The Municipal Cadastral Offices and licensed surveying companies perform their activities in compliance with the provisions of the present Law, are under the authority of Agency as well as the Administrative Instructions and the other sub normative acts issued by the Ministry of Public Services .

Section 4

Surveying Companies and Licensing

4.1.Agency license the Surveying Companies to carry out the cadastral measurements performance in cooperation with the Municipal Cadastral Offices and the Agency can license other companies with relevant competencies on execution of the principal cadastral plan. In these companies shall not be comprised the employed surveyors to the Municipal Cadastral Offices and the Agency.

4.2.In cases of differences between measurements performed by licensed surveying companies and the measurements performed by Municipal Cadastral Office, the available performance shall be the one carried out from Municipal Cadastral Office.

4.3.The requirements for a license, the conditions for the performance of cadastral surveying by licensed Surveying Companies and their responsibilities shall be defined in an Administrative Instruction.

4.4. If a licensed surveying company or another licensed company not longer is fulfilling the demands for a license or if it on other grounds has shown that it is not competent for its tasks KCA may cancel the license.

4.5. An appeal against KCA's decision to cancel or not to issue a license can be filed to the Ministry of Public Services within fifteen 15 days from the date of the receipt of the written notice from KCA to cancel or not to issue the license. The Ministry of Public

Service shall decide on the matter within thirty (30) days of the receipt of the request of review of KCA's decision.

Section 5

Officially Licensed Surveyors

5.1. As long as there is no professional organisation competent to charter surveyors KCA shall license surveyors for performing official cadastral surveying. When carrying out a public function, the licensed surveyors shall perform their responsibilities in cooperation with KCA and the MCO.

5.2. The requirements for a license, the conditions for the performance of cadastral surveying by licensed surveyors and their responsibilities shall be defined in an Administrative Instruction.

5.3. If a licensed surveyor has shown that he is not suitable to perform cadastral works or if there are other reasons why he is unsuitable to keep his license KCA may cancel it.

5.4. An appeal against KCA's decision to cancel or not to issue a license can be done to the Ministry within fifteen 15 days from the date of the receipt of the written notice from KCA to cancel or not to issue the license.

Part 2.The Cadastre

Section 6

Basic provisions for the Cadastre

6.1. Land Cadastre shall include the textual and graphical data on cadastral parcels and land square, culture and scale of their utility as well as the buildings, parts of buildings and conductors of underneath buildings in Kosovo.

6.2. Graphical data are geometric descriptions of parcel lands and buildings which includes the number of land parcels and buildings as well as the geometric description of the over square defined objects.

Section 7

Units in the Cadastre

7.1. A basic unit of the Cadastre is a land parcel, a building, a part of a building or a utility.

7.2. Every municipality is divided in cadastral zones. A basic unit belongs to a certain cadastral zone. KCA may decide on a change in the division in cadastral zones after consultation with the Municipality concerned. This procedure will be regulated in detail in an Administrative Instruction.

If the boundary between two municipalities is changed the cadastral zones concerned will be changed accordingly.

7.3. Each basic unit in the Cadastre shall have a unique designation. The designation shall consist of the municipality name, cadastral zone name and basic unit number and be uniquely identified through a code number.

Section 8

Registration

8.1. Basic cadastre units are:

- a. A land parcel registered in the register of changes when this law enters into force.
- b. A land parcel formed by subdivision, amalgamation or reconstruction pursuant to this law.
- c. A building, part of a building or a utility.
- d. A utility of public importance

Land parcels, buildings, parts of buildings, and utilities form one division of the Cadastre each.

8.2. If a land parcel is formed through subdivision the original parcel will keep its designation while the new parcel will get a new designation.

8.3. If a land parcel is formed through amalgamation of two or more parcels the designation of the parcels being included in new parcel shall be cancelled while the amalgamated parcel will get a new unique designation.

8.4. Requests for the registration of changes in the Cadastre shall be made in writing to the MCO where the concerned immovable property or utility is located. The MCO shall confirm the time and date of receipt of the request for registration.

8.5. The Applicant requesting the registration of the change shall attach to the request the documentation to support the request in compliance with provisions of the Applicable Law.

8.6. The MCO shall review the submitted documentation, and if the documentation submitted is not sufficient according to the Applicable Law the MCO may set a deadline for the Applicant to submit the complete documentation.

If the conditions for the entry are not complied with, the MCO shall reject the request for an entry.

8.7. The MCO shall register a new immovable property within timeline of thirty (30) days after the receipt of the request for registration and inform the Applicant immediately of its determination. Registration is effective as of the entry of the decision of the MCO into the register.

Other requested changes shall be registered as soon as the required documentation is reviewed and approved.

8.8. An application for a study pursuant to section 9.5, section 10.4, section 11.4, and section 17.1 might also be made directly to the MCO in the municipality where the land parcel is situated. The MCO shall then make the study according to the provisions in this law.

The application shall in these cases also include a request for an entry into the register.

8.9. At each MCO a person certified by KCA must approve all registrations in the Cadastre.

Section 9

Registration of Land Parcels

9.1. The division of land parcels consists of the latest recorded data on land parcels and of a set of forms.

The set of forms contains studies and other forms, on the basis of which individual entries have been made, maps and data recorded before the latest registered data.

9.2. The Cadastre shall contain the following data:

- a. Parcel number
- b. Boundaries
- c. Area
- d. Utility and Land Quality Scale
- e. Actual use
- f. Landlord or User of land
- g. Reference to buildings on the parcel
- h. Parcel number for subdivisions from the original land parcel
- i. Number of parcel or parcels from which the new parcel is derived

9.3. The Cadastre shall keep the data on the following types of the actual use of land parcels:

- a. Agriculture: parcels, meadows, pasturage, orchard, and vineyards,
- b. Forestry
- c. Water area
- d. Construction land
- e. Others

The data on actual use may be recorded at the request of a registered landowner or user on the basis of a study, made by a land surveying company or by the MCO.

9.4. The request for the first entry of a newly formed land parcel in the Cadastre shall be filed by the owner of the land. A person who has the right to obtain the ownership right to the land parcel may also file the application.

9.5. The request for the entry of a land parcel into the Cadastre must be accompanied by a study made by a land surveying company.

Instead of a private company the MCO can make the study pursuant to section 8.8.

Section 10

Registration of Buildings

10.1. The division of buildings consists of the latest recorded data on buildings and of a set of forms.

The set of forms contains studies and other forms, on the basis of which individual entries have been made, maps and data recorded before the latest registered data.

10.2. The data recorded in the register of buildings includes:

- a. identification number of a building,
- b. location, surface area and shape,
- c. actual use,
- d. reference to underlying land parcel and, if the building is divided into several parts, also a reference to the parts of the building.

10.3. The request for the first entry of a building into the Cadastre shall be filed by the owner of land, building or part of a building when the building is constructed. A person who has the right to obtain the ownership right to a building or part of a building, may also file the request.

10.4. The request for an entry of a building must be accompanied by a study made by a land surveying company or another licensed company.

Upon the entry of a building, which contains several parts of a building, all parts and common rooms shall be obligatory recorded.

Instead of a private company the MCO can make the study pursuant to section 8.8.

10.5. The study must contain a floor plan. The elements of the study shall be prescribed more in detail in an Administrative Instruction.

In case a building contains several independent parts, the floor plan shall also contain the plan of the parts of the building and of the common rooms as well as the data on the surface area of each part of the building and of the common rooms.

The position and shape of the building are described in the ground plan, identified with coordinates and descriptive data (number of floors, position on, above or under the land and similar).

Section 11

Registration of Parts of Buildings

11.1. The division of parts of buildings consists of the latest recorded data on parts of buildings and of a set of forms.

The set of forms contains studies and other forms, on the basis of which individual entries have been made, maps and data recorded before the latest registered data.

11.2. The data recorded in the register of apartments includes:

- a. identification number of the apartment,
- b. location in the building, area and number of rooms,
- c. actual use,

- d. share in jointly owned parts of the building, if applicable,
- e. number for subdivisions from the original apartment.

11.3. The request for the first entry of a part of a building into the Cadastre shall be filed by the owner of the building or the part of a building when the building is constructed. A person who has the right to obtain the ownership right to a building or a part of a building, may also file the application.

11.4. The request for the entry of a part of a building into the Cadastre must be accompanied by a study made by a land surveying company or another licensed company. If the building is not registered the application shall also contain a request to register the building.

Instead of a private company the MCO can make the study pursuant to section 8.8.

Section 12

Erasing of a building or part of a building from the register

12.1. If a building or part of a building is demolished or removed the building shall be erased from the register of buildings and the register of apartments respectively.

Erasing shall be made ex officio or at the owner's request.

If the request is not justified the MCO shall reject the request.

Section 13

Registration in and content of the division of utilities

13.1. The division of utilities consists of the latest recorded data on utilities and of a set of forms.

13.2. Each basic unit in the division of utilities shall have a unique designation. The designation shall reflect the municipality name, cadastral zone name and basic unit number and be expressed through a code number. If the utility is located in more than one cadastral zone there shall be a link to all concerned registrations.

13.3. The request for the entry of a utility into the Cadastre parts for utilities must be accompanied by a description containing the data required in section 13.6.

13.4. The division of utilities applies to utilities of the following kinds:

1. a telephone line included in a telecommunications system for a public purpose and a public low voltage line for signalling, remote control, data communication or some similar purpose,
2. a high voltage power line,
3. a water and sewerage main which
 - a. is part of a public water and sewerage system,
 - b. supplies a community with water or removes wastewater or other impurity from it,
 - c. benefits economic activity or a communications installation of importance for the whole country or a certain locality,

4. a utility through which district heat, oil, gas or some other raw material or product is conveyed from a production point, depot or loading point and which
 - a. caters to a public need,
 - b. benefits economic activity or a communications installation of importance for the whole country or a certain locality.

13.5. A utility includes devices necessary to its purpose, such as transformers, pumping stations and other accessories.

13.6. The division of utilities shall contain the data on:

1. the type of utility,
2. basic technical characteristics,
3. position (sketch of location, list of concerned parcels),
4. name and address of the owner.

13.7. Registration of a servitude or a use right for a utility falling under section 13.4, in the Immovable Property Rights Register is possible only after that the utility has been registered in the Utility division of the Cadastre.

13.8. If the owner of the utility is changing the location or the use of the utility he is obliged to send a revised description containing the data required in section 13.6 to the MCO in order to perform the necessary changes in the Cadastre.

13.9. All persons planning to perform works that could interfere on a registered utility are obliged to first contact the MCO to make sure that such risks do not exist. If the utility could risk being hurt or destroyed the person concerned should contact the registered owner of the utility.

Part 3.Cadastral Measurements

Section 14

Cadastral Measurements

14.1. The cadastral measurements shall include:

- a. The maintenance and the modernization of the geodetic structure for the survey and measurement (Geodetic Reference Networks)
- b. The survey needed for an immovable property formation, a boundary determination or a boundary adjustment.
- c. The survey for Reconstruction of Cadastral Information;
- d. Other surveying activities related to the maintenance of an updated Cadastre.

14.2. A modern reference network based on the European Terrestrial Reference System (ETRS89) and the present triangulation network is established for the needs of geodesy, surveying, mapping, Cadastre, geographic information, utility, building and construction works in Kosovo. All cadastral measurements shall be connected to this reference network.

14.3. An immovable property formation study and boundary determination study shall be made in compliance with the provisions of the present Law.

Part 4. Property formation

Section 15

Property formation

15.1 Property formation of land parcels takes place through subdivision or amalgamation.

Subdivision of land parcels means parcellation of one or more new parcels from the original parcel.

Amalgamation means the creation of one land parcel from two or more land parcels or new subdivided parcels having the same owner or owners and possessed by equal title.

Section 16

Conditions for property formation

16.1. In an area with a regulative urban plan, property formation may not take place at variance with the plan. Minor deviations are permissible, however, if the purpose of the plan is not frustrated. The rules for this are to be elaborated in an Administrative Instruction.

16.2. Within an area to which no regulative urban plan applies, property formation may not take place if the measure would impede the appropriate use of the area, occasion unsuitable building development or frustrate suitable planning of the area.

16.3 In an area where a land consolidation has taken place, property formation may not frustrate the achievements of the land consolidation. Minor deviations are permissible, however, provided that they are in accordance with the Law on Land Consolidation (complete with official number).

16.4. If a parcel that is to be subdivided is mortgaged the consent of the mortgagee (creditor) must be obtained before the subdivision is registered.

16.5. Amalgamation can be registered only:

- a. if concerned land parcels are free from mortgages and other encumbrances or
- b. if only one of the concerned land parcels is mortgaged or encumbered or
- c. if concerned mortgages and others possessors of property rights have given their consent to a new order of priority in the new amalgamated land parcel.

16.6. The provisions in section 16.4-5 are only applicable for property rights recorded in the Immovable Property Rights Register. For mortgages and other encumbrances that are not registered in the Immovable Property Rights Register the provisions in applicable laws should be applied.

Section 17

Property formation procedure

17.1. The Request for an entry of a new land parcel and its boundaries in the Cadastre shall be accompanied by a property formation study performed by a licensed surveying company.

Instead of a private company the MCO can make the property formation study pursuant to section 8.8.

17.2. The property formation study shall present the preconditions for the requested property formation. The study depicts new land parcels and their boundaries, as marked with provisional boundary marks by the land surveyor. The elements of the study shall be prescribed in detail in an Administrative Instruction.

If the study shows that the conditions for the requested property formation are fulfilled the MCO shall issue a property formation order and register the change into the Cadastre.

17.3. When new parcels formed by the property formation are registered in the Cadastre all buildings on concerned parcels should be registered as well.

17.4. The request for an entry must be filed not later than six (6) months from the day the land surveyor completed the study. (If the owner or any other person having the right to request for property formation, does not file the request within this time period, or if the request is rejected or disallowed or if the proceedings are discontinued, the owner shall remove the boundary marks, or this may be performed at his expense by the MCO.)

17.5. Property formation is completed when an entry concerning the measure in question is entered into the Cadastre.

Section 18

Subdivision and amalgamation concerning buildings and parts of buildings

18.1. A building or part of a building may be subdivided so that new parts of a building are created (subdivision).

Two or more parts of a building having the same owner may be united so that one single part of a building is created (amalgamation).

One or more common rooms may be excluded from one part of a building (subdivision) and joined to another part of the building (amalgamation).

18.2. Subdivision or amalgamation of parts of a building shall be made in the Cadastre at the request of the owner on the basis of a study prepared by a land surveying company or another licensed company. The study must obligatory contain a floor plan.

18.3. Exclusion or inclusion of rooms from one part of a building shall be carried out at the owner's request and on the basis of a study prepared by a land surveying company or another licensed company and shall obligatory contain a floor plan.

Instead of a private company the MCO can make the study pursuant to section 8.8.

18.4. If so provided by the applicable law the subdivision and amalgamation of a building or a part of a building or the exclusion or inclusion of a part of a building according to this chapter may be carried out only on the basis of a permit by a competent authority.

18.5. The provisions in section 16.4-6 shall apply mutatis mutandis for amalgamation and subdivision of a building or a part of a building.

Part 5.Reconsideration and Review of MCO decisions

Section 19

Reconsideration

19.1. The Applicant may, within thirty (30) days of the MCO's rejection to register the change in the Cadastre, request the MCO to reconsider its decision. The MCO shall confirm the time and date of the request for reconsideration.

19.2. The MCO shall make its decision whether or not to register the change in the Cadastre within thirty (30) days of the receipt of the request for reconsideration.

19.3. When the MCO determines that the Applicant has satisfied the criteria for registration, it shall make a record of such determination and shall register the change accordingly.

Section 20

Review of the Decisions by MCO

20.1. Within thirty (30) days from the date on which the MCO's decision to refuse to register the change in the Land Cadastre, the Applicant may request the KCA to review the decision of the MCO.

20.2. The KCA shall not review the case before MCO has reconsidered its decision to reject the registration. KCA shall review MCO's decisions within 30 days from the date of submission of request of review.

20.3. The decision by the KCA pursuant to article 20.1 shall be subject to judicial review in accordance with the Applicable Law.

Part 6.Correction of the Register

Section 21

Correction of the Register

21.1. If information in the Cadastre is found to be manifestly incorrect, the error shall be rectified if this can be done without detriment to a holder of any right. If it is obvious that detriment cannot occur, rectification shall be made immediately. Otherwise the holder of right shall be given the opportunity of a hearing if he is known.

21.2. If it is found obvious that a basic unit shown in the Cadastre is non-existing, the unit may be excluded from the Cadastre by virtue of the foregoing. A right-holder will be notified by MCO.

Part 7. Issuing of Public Data

Section 22

Issuing of Public Data

22.1. The Cadastre records are public. Anybody shall have the right to access to data and the right to acquire the latest recorded data from the Cadastre with the exception for what is regulated in section 22.2 below.

22.2. It is restricted to obtain data about which land parcels, buildings or parts of buildings an individual natural or juristic person owns. Solely the owner himself or a court may obtain such data for the purposes of an execution, if not otherwise stipulated by law.

Section 23

Certificates and other data

23.1. Any person shall have the right to obtain a certificate (extract or outline drawing) on the last recorded data in the Cadastre against payment of a fee.

23.2. The data from the records of the Cadastre, not contained in the certificates under Section 23.1 in this chapter, may be obtained against payment of fees according to a tariff, determined in an Administrative Instruction.

Section 24

Data for official use

24.1. Government institutions, local bodies and government officials may acquire the data from the Cadastre defined in section 22 herein if so stipulated by the competent body.

Section 25

Computer interface

25.1. When KCA provides technical facilities, it shall be possible to retrieve data from the Cadastre using a computer, under the conditions, in the manner and at the tariff as defined in an Administrative Instruction.

Part 8. Financing

Section 26

Financing of Cadastre

26.1. The Cadastre is of public interest.

26.2. Cost for the erection and the reconstruction of the Cadastre generally will be covered by central governmental institutions of Kosovo.

26.3. Costs for the maintenance of, alterations in and issuing of data from the Land Cadastre generally have to be paid by the property owner or the customer respectively.

26.4. KCA shall propose the level of fees to be charged by the MCOs for cadastral services to the Ministry for approval.

Part 9. Special Provisions

Section 27

Allowing the access

27.1. The cadastral officers and their assistants are entitled, when the cadastral procedure so demands, to gain admission to a building, to cross land, to carry out measurements and land investigations and to undertake measures connected or comparable with the same. Trees may not be damaged or felled in a garden or suchlike planting without the owner's consent. Damage shall also be avoided, if possible, in other cases.

Without permission of the owner(s) admission to a building is only allowed if the building is subject to property formation or boundary determination. The owner(s) of the building should be notified no less than eight (8) days beforehand.

The right of crossing land belonging to another also applies to each person appearing at the cadastral procedure.

If damage has occurred through a measure referred to in subsection one or two and the injured party wishes to obtain compensation for the damage, he shall present a claim to this effect before the cadastral procedure is concluded or cancelled.

The cadastral authority might request a police authority to provide the enforcement assistance needed for the exercise of a power referred to in subsection one.

27.2. If a property unit has changed owners during the cadastral procedure, the new owner may not change what has been consented to or approved by the former owner.

Section 28

Protection of boundary marks

28.1. New boundaries shall be demarcated (marked out) with provisional marks. If the owners so request the boundaries shall instead be demarcated with permanent marks. The same rules should be applied for determined or adjusted boundaries.

28.2. It is prohibited to remove, relocate, disguise or damage the boundary marks and geodetic control points in any other manner. The boundary marks are common property of the owners of adjoining land properties or of land properties adjacent to the boundary.

Section 29

Reconstruction of cadastral information

29.1. If the information in a cadastral zone so incomplete that it cannot suitably be completed through normal maintenance it might be reconstructed in one context. All the cadastral information in the whole cadastral zone shall be reconstructed. The aim for the reconstruction is to map and register all land parcels including their possessors within the cadastral zone. Boundaries will only be formally determined after an application from concerned owners.

29.2. The decision of reconstruction of a cadastral zone is taken by the government of Kosovo.

29.3. The costs for reconstruction are paid by the government with exception for when the municipal assembly, for particular reasons, requires the reconstruction. In that case the municipality covers the costs.

Property formation in connection with the reconstruction is paid by the landowners concerned.

29.4. KCA shall appoint a commission responsible for the implementation of the reconstruction. The commission shall be headed by the land surveyor appointed to lead the reconstruction. The Government and the municipality concerned have the right to appoint one member in the commission each.

29.5. The commission shall set up a public edition. This edition shall be exhibited during sixty (60) days. During this period it is possible to contest the result. If there are no contests KCA will decide that the cadastral zone is reconstructed.

If there are contests against certain parts of the map the commission shall call concerned parties to an oral hearing. If no agreement is reached at the hearing the commission shall propose a solution. KCA will then decide that the cadastral zone is reconstructed.

29.6. The decision by KCA shall be subject to judicial review in accordance with the Applicable Law. Only a landowner who has contested the exhibited edition and not signed an agreement at the hearing may appeal against KCA's decision.

Part 10. Supervision

Section 30

Inspection and measures

30.1. KCA is responsible for the supervision of the implementation of the Law on Cadastre.

30.2. KCA may appoint an officer (inspector) to inspect the MCOs, licensed surveying companies and other licensed companies in all matters connected with their cadastral activities. The inspector may propose recommendations to KCA concerning actions regarding the activities.

30.3. KCA may, based on the recommendations by the inspector, issue an order for:

1. elimination of irregularities found in the inspection,
2. inhibition of activities not meeting the required obligation according to this law,
3. decide on the cancellation of a license for a surveying company or another licensed company.

30.4. An appeal against KCA's decision shall be submitted to the Ministry of Public Services within thirty (30) days from the day the decision was received.

Part 11. Punitive provisions

Section 31

Punitive provisions

31.1 A natural person will be fined in values from 100 to 300 Euro and legal person will be fined in a values from 500 to 1500 if:

1. he will not grant entry in his/her property to the authorized persons in the activities of measurement or official duties provided in this law,

31.2 A natural person will be fined in values from 300 to 600 Euro and legal person will be fined in a values from 1500 to 3000 if:

- 1 he will remove, hide or damage the boundary marks or other cadastral marks in any manner (28.2).

Part 12. Transitional and Final Provisions

Section 32

Existing data

32.1. Upon its reestablishment, the Cadastre shall be based on the existing data of the present available cadastral database.

32.2. The data on actual use of land parcels shall be taken from the present cadastre records on actual use of land parcels.

32.3. Immovable property owners may request KCA to review the entry based on the present available cadastral database. The decision by KCA shall be subject to judicial review in accordance with the applicable law. In opposite to the Decision of the Agency is allowed of making claim to the Ministry of Public Services , within timeline of 15 days from the day of it submission .The complain should go through the Agency.

32.4. Until the final entry of a building or a part of a building in the Cadastre, the MCO may keep data on a building and a part of a building from the register used in the Immovable Property Tax Register.

32.5. The provisions of the present Law referring to owners of immovable properties shall apply mutatis mutandis for possessors registered in the Immovable Property Rights Register. Registered holders of use rights not limited in time concerning plots for buildings on construction land are representing the land parcel in a boundary determination procedure. Concerning right holders according to Regulation No. 2003/13 on Transferring the Use Rights on Socially Owned Immoveable Property the provisions are to be found in section 34.1.

Section 33

Ongoing procedures

33.1.Ongoing cadastral procedures before coming into effect of this Law shall be implemented according to the current applicable laws.

Section 34

Final provisions

34.1. The provisions of the present Law referring to owners of immovable properties shall apply mutatis mutandis for the holders of right to socially owned properties according to regulation No. 2003/13 on Transferring the Use Rights on Socially Owned Immoveable Property. The holder of right is the only person competent to represent the immovable property concerned.

34.2. The Ministry of Public Services shall issue Administrative Instructions for the implementation of the present Law. KCA shall issue guidelines for the practical work of the MCOs and licensed companies.

34.3. The present Law shall supersede any provision in the applicable law, which is inconsistent with it. It replaces the Law on Measurement and Land Cadastre (Official Gazette SAPK, No. 12/80).

34.4. The present Law enters into force on the date of the approval by the Assembly and the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 2003/25
4 December 2003