



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-96

**ON AMENDMENTS AND ADDITIONS TO LAW No. 2003/25
ON CADASTRE**

The Kosovo Assembly,

Pursuant to the Chapter 5.7 and 9.1.26 of the Constitutional Framework for Provisional Self Government in Kosovo (UNMIK Regulation nr 2001/9 of the date 15th of May 2001),

Aiming to legally regulate the field of cadastre in Kosovo, in accordance to modern standards,

Hereby adopts as follows:

**LAW ON AMENDMENTS AND ADDITIONS TO LAW No. 2003/25
ON CADASTRE**

Article 1

1.1. In the whole text of the Law on Cadastre No. 2003/25 promulgated with the UNMIK Regulation, nr. 2004/4 of the date 18.02.2004, the term "study" shall be replaced with the term "survey".

1.2. In the whole text of the Law on Cadastre No. 2003/25 the term "parcelë" shall be replaced with the term „ngastër“ (refers to the version in Albanian language).

1.3. In the whole text of the Law on Cadastre No. 2003/25 abbreviations „KCA“and „MCO“to replace with the complete title of the body: „Kosovo Cadastral Agency“, respectively „Municipal Cadastral Office“.

Article 2

After the Article 2.5 of the Law on Cadastre No. 2003/25 are added new definitions 2.6 and 2.7 as follows:

2.6. "Boundary Determination" is in cases when boundaries of parcels of neighbor owners are unknown by the owners, boundary lines are eliminated, damaged by different factors in a way that it became unclear or moved.

2.7. "Boundary Regulation" is when boundary of parcels of neighboring owners is known by the owners, acceptable and registered in the cadastre but owners with agreement intend to regulate such a boundary according to provisions of this law.

Actual item 2.6 will become 2.8; accordingly will change items in continuation.

Article 3

In the Article 2.10 of the Law on Cadastre No. 2003/25 the definition “Property formation” shall be deleted and reformulated as follows:

“Parcels formation”: Forming of the new cadastral parcel units of the immovable property.

In Article 14.2, 14.3, 15, 16 and 17 of the Law on Cadastre No. 2003/25 the definition “Property formation” is replaced with the new definition of “Parcels formation”.

Article 4

After Part 4. of the Law on Cadastre No. 2003/25 part 5. is added with the title:

“Part 5. Boundary Determination and Boundary Regulation Procedure “ and after Article 18 are added new articles 18.A and 18.B as follows:

“Part 5. Determination and procedures of the boundary regulation “

Article 18A

The procedures for boundary determination

18A.1. The procedure for boundary determination shall start after the request is submitted by the owner to the Municipal Cadastral Office. The owner submitting the request should reach an agreement with the owner of the neighboring parcel with who the boundary is to be determined.

18A.2. The owners of neighboring parcels may together submit the request to the Municipal Cadastral Office.

18A.3. The government bodies, municipality or other bodies may initiate the starting the boundary determination procedure in cases provided by this law and a special law.

18A.4. The request for initiating of the boundary determination procedure should be followed by surveying the boundary determination made by a Geodesy Company or Municipal Cadastral Office.

18A.5. The private geodesy company or the Municipal Cadastral Office may perform the survey on boundary determination according to Article 8.8 of the Law on Cadastre No. 2003/25.

18A.6. The geodesy company in charge for compiling the survey on boundary determination should call the owners of neighboring parcels.

18A.7. The boundary shall be placed based on the records from the land cadastre and the agreement of the neighbors.

18A.8. To place the position of the cadastral boundary, the latest records registered in the land cadastre can be used. The boundary determination survey should clearly indicate which records have been used by the geodesy company for determining the position of cadastral boundaries and the quality of those data.

18A.9. In case the owners accept the cadastral boundary as shown in site, will be shown clearly in record and will be signed by the owners. This position will be considered as cadastral boundary, after its verification and validation in the court”.

18A.10. In case one of the owners does not accept the cadastral boundary, he/she should show his/her reasons for not accepting the cadastral boundary and the boundary determination procedure shall be canceled, and the parts will be instructed that the boundary determination, should be referred to the court for determination.

18A.11. In the boundary determination procedure, the owner can not be represented by the person employed or engaged by the work contract or some other similar contract in the geodesy company that compiled the survey on boundary determination.

18A.12. Considering the provisions of the first paragraph of this Article, the geodesy company or the person employed in that company may submit the application for starting the boundary determination procedure if authorized by the owner.

18A.13. The requesting party shall be obliged that within 30 days after the end of the recording to submit the request to the Municipal Cadastral Office that is competent for registering the determined boundary”.

18A.14. After receiving the request for registering the determined boundary based on the records, the Municipal Cadastral Office shall firstly confirm that:

- i. The survey on boundary determination was done in accordance to the legislation in power
- ii. The cadastral boundary was shown on site.

18A.15. In case the survey on boundary determination does not include all the required elements or technically is not competent, the Municipal Cadastral Office shall ask the parties to submit the completed survey within the determined time period.

18A.16. The Municipal Cadastral Office shall refuse the request for registering the boundary in cases if:

- i. The request is not presented within time determined according to the law in force,
- ii. The boundary was already determined in an administrative or judicial session or they are going on,
- iii. It is presented by an unauthorized person

18A.17. If the request for starting the boundary determination procedure was refused or not allowed, or the boundary determination procedure was canceled, the owner shall be informed on the possibilities to act in compliance with Articles 19 and 20 of the Law No. 2003/25.

18A.18. If the Municipal Cadastral Office accepts the request for starting the boundary determination procedure, it shall call the owners to express their opinions, to tell whether they agree to the position of the boundary as marked by the temporary boundary sings and with the survey made on boundary determination.

18A.19. If the owners have agreed with the boundary place as marked with the boundary indicators, and confirm such an agreement with his/her signature in the presence of the authorized person from the Municipal Cadastral Office, then the boundary determination will be announced.

18A.20. The boundary determined in the boundary determination procedure shall be registered in the land cadastre as definitive, under the order of boundary determination in accordance with the determined deadlines in conformity with the applicable legislation on Administrative Procedures”.

18A.21. If the Municipal Cadastral Office is carrying out a survey on boundary determination in compliance with the provisions of this law, should be made with the boundary determination procedure in the database.

Article 18B Boundary rearrangement

18B.1. In cases when the site of the boundary is accepted officially by the owners, and as such is registered in the land cadastre after its verification and validation by the competent court, the boundary rearrangement can be done at most up to 3 %.

18B.2. With rearrangement of boundary there should be transit of area from a parcel to a neighboring parcel and vice versa.

18B.3. The boundary rearrangement shall be registered in the land cadastre with the request of any owner who has an interest in the boundary rearrangement. The request should be followed by a survey made by the geodesy company. The request should be presented not later than 30 days from the day the company ended the survey. The survey details shall be determined by the Sub-legal act.

18B.4. The Municipal Cadastral Office shall refuse the request if:

- i. The boundary rearrangement is not in accordance with the present law, or
- ii. The owners did not agree on the rearrangement.

18B.5. Boundary rearrangements in compliance with Article 18.B.1 shall constitute a final boundary. The Municipal Cadastral Office issues the decision for this boundary and registers it in the register.

Article 5

The present law shall enter into force after adoption by the Assembly of Kosovo on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-96
26 January 2007

President of the Assembly

Kolë Berisha