

**LAW NO. 08/L -125****ON PUBLIC PROPERTY****Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON PUBLIC PROPERTY****CHAPTER I  
GENERAL PROVISIONS****Article 1  
Purpose**

This Law defines and regulates the public property right and other property rights of the Republic of Kosovo and local self-government units, including the definition of the public property, rights, duties and responsibilities of state bodies, local self-government bodies and entities exercising authority or administering the public property.

**Article 2  
Scope**

The provisions of this Law shall be applied by all bodies and institutions of the Republic of Kosovo, including central institutions, local self-government units, institutions or other public entities whose founder is the Republic of Kosovo or the local self-government unit, which have the property right or administer the public property.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. Public Property - the property of the Republic of Kosovo;

1.2. Property of the Republic of Kosovo - property registered in the name of the Republic of Kosovo or its central institutions, local self-government units or capital city of Republic of Kosovo- Prishtina, central and municipal publicly-owned enterprises exercising property authority over public property as defined by Law on behalf of the owner of public property- Republic of Kosovo;

1.3. Local self-government units - municipality or the capital city of Republic of Kosovo, Prishtina;

1.4. Transfer and exchange of ownership of public property - the exchange or transfer of ownership between public institutions, respectively central state institutions, central publicly-owned enterprises and local self-government units for the purpose of public interest;

1.5. Concession - as defined in the relevant Law.

#### **Article 4**

##### **Implementation of the Laws**

For acquisition and termination of ownership rights and other property rights to public property, the provisions of the Law regulating the right of private ownership shall apply accordingly, unless otherwise provided by this Law.

#### **Article 5**

##### **Principles of public property administration**

1. Public property administration is based on the principles of legality, publicity, predictability, economization and accountability.
2. Competent Institutions for administration of public property, ensure the principle of legality by respecting and dealing in accordance with the Constitution, the legislation in force, as well as the general administrative rules applicable within their competencies and in accordance with the purpose for which those competences are given.
3. The principle of publicity of public property administration is ensured by setting clear rules and criteria for the administration and possession of public property in provisions and other acts issued pursuant to this law and their publication.
4. Administration and possession of public property must be predictable to other public institutions or entities that have ownership authority over the public property, in accordance with the authority given by law. Predictability of administration and possession of public property, in principle, is achieved with the same actions in the same or similar cases.
5. Public property is economically administered and possessed for the purpose of achieving economic, infrastructural and other purposes foreseen by general acts of administration as a public interest and preservation of the value of public property. Whoever uses and administers items in public ownership, should act as a good host and should be responsible for that in accordance with the Law.
6. The principle of liability is ensured by defining the competencies and duties of individual holders of administration, supervision and possession of public property, reporting on the achieved goals and the undertaking of measures against the holders of functions who have not acted in accordance with the legislation in force.

### **CHAPTER II**

#### **SUBJECT OF PUBLIC PROPERTY**

#### **Article 6**

##### **Subject of Public Property**

1. Public property consists of properties registered in the name of Republic of Kosovo and its respective institutions and local self-government units.
2. Public property includes:
  - 2.1. goods of general interest;
  - 2.2. natural resources;
  - 2.3. goods in general use;

- 2.4. goods of special importance, which, by the Law, have been determined as public property;
  - 2.5. properties used by the central authorities and institutions, local self-government units, institutions or other public entities, the founder of which is the Republic of Kosovo, or the local self-government unit according to this Law or other relevant Laws, and which exercise ownership authority on public property;
  - 2.6. social property which is under the administration of the Kosovo Privatization Agency is public property of the Republic of Kosovo but is regulated by a special Law.
3. Central institutions, local self-government units, institutions or other public entities established by this Law or by relevant Laws, exercise ownership rights and authority on public property as defined by the Law.

#### **Article 7**

##### **Goods of general interest and natural resources**

1. Assets and natural resources (goods of general interest), which are in the ownership of Republic of Kosovo are as follows:
- 1.1. air;
  - 1.2. water resources/water;
  - 1.3. mineral resources such as: ore, oil, gas and other natural resources as defined by law;
  - 1.4. underground water;
  - 1.5. springs of mineral and thermal water;
  - 1.6. radio frequencies and numerations;
  - 1.7. rivers, natural lakes and other water accumulations which, in accordance with legal provisions, are not privately owned;
  - 1.8. other natural resources of importance for the Republic of Kosovo as defined by other Laws.

#### **Article 8**

##### **Goods in general use**

1. Goods in general use are:
- 1.1. airspace;
  - 1.2. highways, national, regional and local roads as well as related facilities;
  - 1.3. airports with relevant infrastructure
  - 1.4. railway infrastructure;
  - 1.5. infrastructure facilities of importance for the Republic of Kosovo such as bridges and tunnels in public roads, squares, public parks, border crossings, etc;
  - 1.6. items extracted from archaeological excavations;

1.7. corridors, satellite orbits and others;

1.8. other natural resources important for the Republic of Kosovo defined by other Laws.

### **Article 9** **Goods of special importance**

1. Goods of special importance which are determined by law as public property are as follows:

1.1. public forest and forest land included with the special base of management of forests and forest roads;

1.2. public property in protected areas of nature - national parks, special areas, nature reserves and natural monuments;

1.3. movable or immovable public property declared as cultural heritage.

1.4. power plants with their facilities and hydropower plants in public ownership;

1.5. electric power transmission, distribution and supply facilities (high conductors and transformers);

1.6. quotas and routes for electronic, telecommunication and radio-diffusion systems owned by the Republic of Kosovo;

1.7. publicly owned construction land;

1.8. publicly owned agricultural land;

1.9. publicly owned facilities for education, science and health with their related facilities;

1.10. cultural-historic goods and items defined by law;

1.11. publicly owned facilities for sports and physical culture;

1.12. animal and plant that enjoy special protection;

1.13. archaeological sites;

1.14. other goods of special importance in accordance with other Laws.

### **Article 10** **Other goods in public ownership**

1. Other goods in public ownership are:

1.1. financial means earned on the basis of public revenues and other revenues belonging to the Republic of Kosovo or the local self-government unit;

1.2. wealth, acquired in compliance with the law or being acquired by the state bodies through other manners and public service bodies, the founder of which is the Republic of Kosovo or local self-government unit;

1.3. asset constructed or acquired from public revenues based on the investment of state bodies and entities exercising public authority, whose founder is the Republic of Kosovo or local self-government unit;

1.4. immovable property which is not registered in the name of natural or legal persons, private or in the name of Kosovo Socially Owned Enterprises, inside and outside the territory of Kosovo.

1.5. all immovable properties in the Republic of Kosovo, registered in the name of the Socialist Federal Republic of Yugoslavia, respectively the Republic of Yugoslavia, respectively Socialist Republic of Serbia and Montenegro, respectively the Republic of Serbia, respectively the Socialist Autonomous Province of Kosovo, including but not limited to their state, administrative and military authorities;

1.6. assets of former socio-political organizations;

1.7. barracks and assets that have military purpose;

1.8. movable and immovable items, which are considered abandoned (res derelicta) in accordance with the relevant Laws;

1.9. property acquired by gift or inheritance on behalf of the Republic of Kosovo or local self-government institutions;

1.10. property acquired based on investments of the Republic of Kosovo in business organizations and in publicly owned enterprises;

1.11. property acquired through purchase, exchange, expropriation or realization of the pledge rights on movable and immovable items, as well as in the rights on them;

1.12. property in the ownership of Republic of Kosovo, which serves for the performance of functions of state authorities, representations, diplomatic and consular office and entities exercising public authority within the country and abroad, the founder of which is Republic of Kosovo;

1.13. property rights and securities owned by the Republic of Kosovo;

1.14. property acquired by construction and concession;

1.15. publicly owned equipment, utilities and installations;

1.16. other property, which is acquired in accordance with other Laws.

#### **Article 11**

#### **Right of ownership over public properties**

The holder of ownership right over public property shall be the central institutions or units of local self-government.

### **CHAPTER III**

### **POSSESSION AND USE OF PUBLIC PROPERTY**

#### **Article 12**

#### **Possession of the public property**

1. Public property enjoys special protection.

2. Proprietary rights on items and other goods in public ownership are in circulation, unless otherwise provided by Law.

3. Natural resources, mineral resources and goods in general use, under Articles 7, 8 and 9 of this Law, cannot be transferred to private ownership.

4. A natural and legal person, local and foreign, in compliance with conditions and procedures prescribed by law and in case there is a public interest, may acquire the rights to use the natural resources in public ownership.

5. A natural and legal person, local and foreign, in compliance with conditions and procedures prescribed by law and in the case there is a public interest, may acquire property rights on other facilities of public property which have no restrictions on legal circulation.

### **Article 13**

#### **Rights of use of public property**

1. Users of publicly owned items are:

1.1. Central Institutions;

1.2. Units of local self-government and legal entities established by them;

1.3. Public entities whose founder is the Republic of Kosovo or local self-government unit as well as their affiliate companies, based on contracts concluded according to applicable legislation, which are not transferred to the ownership of a public enterprise or company.

2. Special rights to use public property, such as concession, rent and public-private partnership may be acquired on public property under the terms provided by a special Law.

3. The rights of use of public property by publicly-owned enterprises are regulated with relevant law on publicly-owned enterprises.

### **Article 14**

#### **Authorizations with public property**

1. Forms of possession with public property are:

1.1. transfer of immovable property to public ownership for realization of public interest;

1.2. transfer of property right through exchange;

1.3. leasing;

1.4. concession and public-private partnerships;

1.5. exploitation of natural and mineral resources with a license;

1.6. monetary investment in securities and bonds, real estate and other forms of capital investment for profit;

1.7. donation and subsidizing of movable assets/ monetary means.

### **Article 15**

#### **Transfer of ownership**

1. Through the realization of public interest for the transfer or exchange of ownership over public property for immovable items of the Central Institutions shall be decided by the Government of Kosovo in accordance with the Law.

2. Following any initiative for the transfer of ownership over public property, for immovable items of local Self-government Unit, through the transfer on the realization of public interest or exchange shall be decided by the Municipal Assembly in which the property is located.
3. Transfer the ownership over public property for movable items shall be decided by the Government by a decision, state or municipal authority, and other budget units to which the item is dedicated, in accordance with the applicable laws.
4. Transfer of ownership over public property, according to paragraphs 1 and 2 of this Article shall only be made for the public interest, through transparent and competitive procedures and respecting the market price. This procedure should be preceded by valuation of property by the relevant Ministry
5. The decision or the contract concluded in contradiction to the principles set forth in this Article shall be null.

#### **Article 16**

##### ***Transfer of immovable to public ownership for realization of public interest***

1. If a certain property owned by the local government administration unit, is needed for realization of a public interest of Kosovo, the local government administration unit is obliged to transfer this property to the state of Kosovo without compensation.
2. If a certain property owned by the Republic of Kosovo respectively central institution, is required for realization of a public interest of the local government administration units, state of Kosovo shall evaluate and decide to transfer this property to the local self-government unit without compensation.
3. Following the decision for transfer or rejection of the transfer, the Government of Kosovo shall attach the evaluation of the public interest according to paragraph 2 of this Article.

#### **Article 17**

##### **Lease or exchange**

1. Items and goods in public ownership may be leased in a public auction procedure or through bidding, and exceptionally by direct agreement, if this is determined in any separate law.
2. The property owned by the Republic of Kosovo respectively central institution or property of the municipality may be leased for up to fifteen (15) years with a decision of Government, respectively of competent municipal body.
3. Up to ninety-nine (99) years with the decision of the Assembly of Republic of Kosovo, upon proposal of the Government, respectively the Municipal Assembly for properties of local self-government units.
4. Leasing and exchanging the properties of the state of Kosovo require a prior consent from the Unit for Public Property Administration.
5. In leasing the property, the Unit issues only a primary consent and determines the purpose of the use of property for the duration of the lease. For changing the destination of the property for the duration of the lease, a new consent shall be obtained from the Unit.
6. Procedure and conditions for leasing and exchange the property of local government administration units, are regulated with a special law.
7. Items and other public goods cannot be sublet without the consent of the lessor.
8. Contract signed in contradiction with this article is invalid.

9. Funds received from leasing of immovable property under this article are revenues of the holder of the right of ownership or utilization, who has leased the immovable property.

**Article 18**  
**Conditions of transfer of ownership and leasing of public property**

The conditions for transfer of ownership of public property and leasing of items in public ownership, and public auction procedures, respectively collection of written bids are regulated with a sub-legal act approved by the Government. on proposal of Ministry of Justice.

**Article 19**  
**Concession and public-private partnerships**

Concession and public-private partnership is regulated with a special law.

**Article 20**  
**License Issuance**

License for use of natural resources, minerals, networks, radio frequencies and infrastructure is issued by an institution or authority designated by a special law.

**Article 21**  
**Investments**

1. Monetary investment in securities, real estate and other forms of capital investment for the purpose of profit is done by a decision of the Government of Kosovo.
2. Capital investments in municipal public enterprises from the capital of municipal public enterprises are decided by the respective Municipal Assembly.

**Article 22**  
**Donation and subsidies of movable assets/monetary means**

Decisions on donations and subsidies shall be made by the Government, local government administration unit or any other public body in accordance with the authority and procedures foreseen by special laws.

**Article 23**  
**Limitations on the acquisition or possession of ownership**

1. Ownership over publicly owned properties cannot be acquired through positive prescription as well with constructions of objects, in contradiction with respective legislation which regulate building right and construction.
2. Mortgages or other forms of real security cannot be applied on public property.
3. Servitudes on items that make it impossible or difficult the normal use cannot be applied on items in general use and on natural and mineral resources.
4. There can be no enforcement on items on public ownership in which according to the relevant Law on Enforcement Procedure enforcement cannot be applied.



## **CHAPTER IV ADMINISTRATION OF PUBLIC PROPERTY**

### **Article 24 Administration of public property**

1. Government authorities and public legal persons use the public property for the purpose of their efficient functioning and public services delivery.
2. Authorities referred in paragraph 1 of this Article, who use public property, are required to preserve the value and maintain public property.

### **Article 25 Administration of public property by central government bodies**

1. Public property in the ownership of the Republic of Kosovo is administered by the Unit of Public Property Administration, which function within the Office of the Prime Minister.
2. Unit from paragraph 1 of this Article performs also the following tasks:
  - 2.1. maintains unique evidence and register of public properties;
  - 2.2. makes sure the public property is used in accordance with its intended use;
  - 2.3. looks after the assets, which according to the power of law becomes public property;
  - 2.4. looks after the cadastre registration, partition, division, exchange, preparation of draft contract, draft decision and tracking of their implementation, payment of rent and other works related to public property;
  - 2.5. ensures conditions for asset protection and inspection;
  - 2.6. performs other works upon decision of the Government;
  - 2.7. conducts inspection on the initiation of minor offence procedures for the violation of procedures foreseen by this Law.
3. Competent body is obliged to legally and economically administer and use assets and other goods in public ownership in accordance with their nature and purpose.
4. The organization and functioning of the Unit of Public Property Administration are defined with a sub-legal act approved by the Government.

### **Article 26 Administration of public property by the local self-government unit bodies**

1. The local self-government unit administers public property, as follows:
  - 1.1. natural non-mineral resources, that are located in the territory of the municipality;
  - 1.2. plants and animals in public ownership in the territory of the municipality;
  - 1.3. construction land owned by the municipality;
  - 1.4. water springs and smaller water flows, which originate in the territory of the municipality and are of local importance, in accordance with the law;

- 1.5. buildings owned by the municipality;
  - 1.6. mineral raw materials - gravel, sand and stone, if related to their use in accordance to the law;
  - 1.7. sewerage and water supply infrastructure of local importance;
  - 1.8. local non-categorized roads as well as related facilities;
  - 1.9. roads in settlements and squares in the territory of the municipality;
  - 1.10. public lighting;
  - 1.11. public areas, green areas and city parks;
  - 1.12. cemeteries;
  - 1.13. pedestrian underpasses and overpasses;
  - 1.14. agricultural land owned by the municipality
  - 1.15. recreation areas, sports and physical culture facilities in public ownership in the territory of the municipality;
  - 1.16. cultural monuments in the ownership of the municipality;
  - 1.17. parking spaces, public garages;
  - 1.18. markets;
  - 1.19. archaeological sites of local importance in compliance with the law;
  - 1.20. movable items in the ownership of the local self-government unit.
2. Administration is done according to the legal and statutory provisions of the local government administration unit.
3. The local government administration unit administer public property through respective body for the administration of public property, which will efficiently perform property administration. Paragraphs 2 and 3 of Article 25 of this Law shall also apply accordingly for the competent body for administration the public property of the local self-government unit.

**Article 27**  
**Administration of the properties abroad**

1. Immovable property and assets used for the needs of diplomatic missions shall be administered by the Ministry of Foreign Affairs.
2. Administration of public property, which is used for other purposes outside the territory of Kosovo, shall be determined by special Laws.

## **CHAPTER V PUBLIC PROPERTY REGISTER**

### **Article 28**

#### **Maintaining unique evidence and specific evidences on immovable properties**

1. The central authorities of Republic of Kosovo and local self-government units maintain evidence on immovable properties they possess. These authorities are required to submit data from the evidence of immovable properties to the Unit of Public Property Administration, which maintains unique evidence on the publicly-owned immovable properties.
2. Authorities and services in paragraph 1 of this Article are required to register the property they possess as per the situation on 31 December of the year for which the registration is done.
3. Immovable assets in public ownership are recorded in the Register of Immovable Properties, which is maintained by the Unit of Public Property Administration. This register is a unique public electronic database.
4. Immovable property register from paragraph 3 of this Article should contain:
  - 4.1. data on immovable asset (place, street, number, cadastral zone, cadastral parcel, ownership certificate, land surface area, building surface area, purpose, servitude, other encumbrances and restrictions);
  - 4.2. basis for obtaining the right;
  - 4.3. value of immovable asset at the moment of recording, valuated by authorized body and other relevant data for maintaining the evidence.
5. The data in Immovable Property Register under this Article must be in compliance with the data of the immovable property cadastre.

### **Article 29**

#### **Evidence of movable assets and other goods**

1. The central authorities of Republic of Kosovo and local government units maintain evidence on the condition, value, and movement of publicly-owned movable assets, which they possess in accordance with the Law.
2. Evidence on movable assets and other goods is maintained by the possessor of property on the basis of completed registration, according to the situation as of 31 December of the year for which the registration is done, according to the financial value.
3. The authorities defined in this Law are required to submit the data on movable assets to Unit of Public Property Administration in electronic format, in order to maintain the Immovable Property Register, respectively of accounting evidence of movable assets, which data are submitted by the end of March of following year for the previous year. The authorities are also required to submit to Unit of Public Property Administration all changes in movable assets made during the year.
4. The manner of maintaining the evidence of movable and immovable assets and of the registration of assets in public ownership is defined by a sub-legal act adopted by the Government, on proposal of Ministry of Justice.

## **CHAPTER VI PUBLIC PROPERTY ADMINISTRATION OVERSIGHT**

### **Article 30 Administrative oversight**

Administrative oversight related to implementation of this Law and provisions issued based on it and legality of the work and actions of state administration bodies, local self-government bodies, legal persons who have public authority for administration and possession of state property, shall be conducted by the Unit of Public Property Administration.

## **CHAPTER VII DEFINITION OF PUBLIC OWNERSHIP**

### **Article 31 Public Properties of the Republic of Kosovo, Central bodies and Local Self-Government Units**

1. Natural assets, goods of general interest and goods for general use in the ownership of the state, movable and immovable items which on the date of entry into force of this law are in the ownership of the Republic of Kosovo, state authorities and organisations, institutions and other organisations which are founded by the Republic of Kosovo, shall become public property of Republic of Kosovo.
2. Properties in paragraph 1 of this Article registered in the name of a local self-government unit, are property of local self-government unit under the terms defined in this Law.
3. Properties in paragraph 1 of this Article which are used by local self-government unit are publicly owned assets, whose users on the day of entry into force of this law are registered authorities or organisations of local self-government unit, as well as assets which local self-government unit and these bodies and organisations use on a legal basis that presents basis for their registration in public registers.

## **CHAPTER VIII TRANSITIONAL PROVISIONS**

### **Article 32 Implementation and Harmonization**

1. The provisions of special Laws regulating the regime of items in public ownership must be in compliance with this Law.
2. In case of uncertainty or collision of legal provisions of this Law with other Laws, provisions of this Law shall be applied.
3. Provisions on public property that are not in compliance with this Law shall be harmonized within the term of one (1) year from the date of entry into force of this Law.

### **Article 33 Obligations of authorities**

1. State authorities and institutions or other public entities, which are founded by the Republic of Kosovo, respectively bodies of local self-government units and public entities, which are founded by the municipality, are obliged to conduct the registration, valuation and registration of immovable assets which are under their competence, within one (1) year from the entry into force of this law and

to submit the data on assets to the Unit of Public Property Management.

2. Valuation and registration of movable assets, which are used by state authorities and public services, the founder of which is the Republic of Kosovo, respectively municipal and public services bodies, which are founded by the municipality, is required to be conducted within six (6) months from the entry into force of this Law. Valuation of movable assets shall not be conducted for assets for which there is an established accounting value.

3. Unit of Public Property Administration is required to establish unique evidence of immovable assets from state property, within six (6) months from the day of submission of data as per paragraph 1 and 2 of this Article.

4. Unit of Public Property Administration shall, based on the data under paragraph 1 of this Article, submit request to Municipal Cadastral Office to register state property rights or any other property right on immovable properties, to public ownership in the Immovable property right register, within three (3) months from the date of submission, in accordance with the Law.

5. The Cadastre Agency shall register state property or any other property right as state property of Republic of Kosovo or as property of local self-government unit, within fifteen (15) days, by noting the subject of the possession right in accordance with this Law.

6. The right to immovable property, which is created with joint investment from public revenues of Republic of Kosovo, respectively public revenues of the municipality, shall be registered in the Immovable property right register in the name of state of Kosovo, respectively of the municipality, in proportion with the investments made, with the exception of buildings in the area of science, education, health and social policies, sports and physical culture, which are registered under the ownership of Republic of Kosovo.

7. Lease contracts or contracts for giving the property on temporary use, which were entered into prior to entry into force of this Law, are required to be sent by competent bodies to Unit of Public Property Administration within six (6) months from the establishment of the Unit.

#### **Article 34** **Sub-legal acts**

Sub-legal acts foreseen by this Law shall be issued within six (6) months from the day of entry into force of this Law.

#### **Article 35** **Entry in to Force**

This Law shall enter into force fifteen (15) days after the publication in the Official Gazette of Republic of Kosovo.

**Law No. 08/L-125**  
**26 October 2023**

**Promulgated by Decree No. DL-180/2023 dated 15.11.2023 President of the Republic of Kosovo Vjosa Osmani-Sadriu**