



**Republika e Kosovës**  
**Republika Kosova - Republic of Kosovo**  
*Qeveria – Vlada – Government*  
*Ministria e Drejtësisë - Ministarstvo Pravde – Ministry of Justice*

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**Minister of the Ministry of Justice,**

Pursuant to Article 10, paragraph 1, subparagraph 1 of Law No.08/L-013 on Property Rights of Foreign Citizens in the Republic of Kosovo, in accordance with Article 11, paragraph 1, sub-paragraph 1.5 of Law No. 08/L-117 on the Government of the Republic of Kosovo, and Article 8 (sub-paragraph 1.4) of the GoK Regulation NO. 02/2021 on Areas of Administrative Responsibilities of the Office of the Prime Minister and Ministries, as amended by (GRK) Regulation no. 04/2021 and Regulations (GRK) No 03/2011, and Article 38, paragraph 6 of the Rules of Procedure of the Government, no. 09/2011, (Official Gazette no. 15, 12.09.2011),

Issues:

**REGULATION MoJ - No. 07/2023<sup>1</sup>**  
**ON THE PROCEDURE FOR DETERMINING AND VERIFYING THE**  
**RECIPROCITY, CONDITIONS, CONTENT AND MANNER OF MAINTAINING**  
**THE DATABASE FOR ACQUIRING THE PROPERTY RIGHT OVER**  
**IMMOVABLE PROPERTY BY FOREIGNERS IN KOSOVO**

**Article 1**  
**Purpose**

This Regulation shall regulate the procedure for determining and verifying reciprocity, the body authorized for determining reciprocity, the requirements, the content, and the manner of maintaining the database on the existence of reciprocity with particular countries and the acquisition of property rights over the immovable property by foreigners in the Republic of Kosovo.

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<sup>1</sup> Regulation MoJ - No. 07/2023 on the Procedure for Determining and Verifying the Reciprocity, Conditions, Content and Canner of Caintaining the Database for Acquiring the Property Right over Immovable Property by Foreigners in Kosovo, signed by Minister of Justice, date 18.07.2023.

## **Article 2**

### **Scope**

The provisions of this Regulation shall be implemented by all Institutions of the Republic of Kosovo, which are responsible for verifying the acquisition of the property right over immovable property by a foreign natural or legal person, for implementing the procedure for determining and verifying reciprocity, as well as verifying legal restrictions for acquiring this right.

## **Article 3**

### **Definitions**

1. The terms used in this Regulation shall have the following meaning:

1.1. **Law** - Law No.08/L-013 on Property Rights of Foreign Citizens in the Republic of Kosovo;

1.2. **Ministry** - Ministry of Justice;

1.3. **IPRR** - Immovable Property Rights Register.

2. Other terms used in this Regulation shall have the same meaning as in the definitions of the Law on Property Rights of Foreign Citizens in the Republic of Kosovo.

## **Article 4**

### **Responsible institution**

The determination of reciprocity and the maintenance of the database for reciprocity with particular countries on property rights of foreign citizens over immovable property shall be carried out by the Ministry of Justice, through its Legal Department, in cooperation with the Department for International Legal Cooperation when the matter falls under the competences of the latter.

## **Article 5**

### **Procedure for the determination of reciprocity**

The granting of consent to the acquisition of property rights by foreigners to properties in the Republic of Kosovo shall be decided by a decision in an administrative procedure conducted in accordance with the Law on General Administrative Procedure, the Law on Property Rights of Foreign Citizens in the Republic of Kosovo and with this Regulation.

**Article 6**  
**Request for the determination**  
**of reciprocity**

1. The determination and verification of the reciprocity is carried out at the request of the foreign person who intends to acquire the right to certain immovable property or of the person who intends to sell that immovable property. The request shall be submitted to the Legal Department of the Ministry of Justice.

2. The request for the determination of reciprocity contains the following:

2.1. the evidence of personal data and citizenship of the buyer:

2.1.1. certified copy of an identity document showing: name and surname, date of birth and citizenship or an original or certified copy of a public document showing data of the legal person, the registered office and the place of registration of the legal entity;

2.1.2. if the foreigner has dual citizenship, evidence of the last permanent residence in accordance with Article 5, paragraph 3 of the Law;

2.1.3. if the foreigner is stateless, a declaration in accordance with Article 5, paragraph 4 of the Law;

2.1.4. data of the authorized person for representation or acceptance of documentation.

2.2. the document by which the foreigner proves the right to establish reciprocity, whether it is established in the manner and conditions established by the law – legal reciprocity, or by international agreement – contractual reciprocity, by which reciprocity is determined, respectively, the conditions for the acquisition of ownership to immovable property by foreigners have been established in accordance with Article 4 paragraph 1 of the Law;

2.3. evidence of ownership of the alienator/seller on the relevant immovable property, or the Certificate of Ownership, not older than six months;

2.4. legal basis for the acquisition of the ownership by a foreign citizen;

2.5. evidence of the fee payment determined by the decision of the Minister of Justice.

3. Documents under paragraph 2 of this Article shall be submitted as public documents, in the original or certified photocopy.

4. If the documentation is not complete, the Ministry can ask the applicant to complete the documentation.

### **Article 7** **Additional information**

1. In order to complete the data for determination and verification of reciprocity, the competent unit of the Ministry of Justice shall send a request to the Cadastral Agency of Kosovo (CAK) whereby requesting the data on the immovable property which is the subject of the request for the acquisition of property right by a foreign citizen.

2. The required data include:

2.1. the confirmation of data on immovable property – cadastral unit, such as the municipality, cadastral area, number of the cadastral unit, surface area, matching of data from the graphical description part and IPRR.

2.2. data on the type of property as a land: agricultural land, construction land, aquatic land; barren land, building or building unit, as well as the status of the property as private, public-state and/or social property;

2.3. data on whether the immovable property which is the subject of the request is included in the properties in which foreign citizens cannot acquire the property right according to Article 7 of the Law, including:

2.3.1. natural resources;

2.3.2. public goods for general use;

2.3.3. agricultural land in public ownership;

2.3.4. forests and forestry land in public ownership;

2.3.5. movable or immovable property announced a cultural heritage of special significance;

2.3.6. immovable property, which is located within a radius of one (1) kilometre from the border;

2.3.7. immovable property which is located in the area which presents protection of the interest and security of the state and to which, by a separate law, foreign citizens shall not have the ownership right;

2.3.8. immovable property in public ownership which, based on the applicable laws, cannot be transferred to private ownership of Kosovo citizens.

3. The Kosovo Cadastral Agency shall provide the data at its disposal. The data under paragraph 2.3 of this Article, which the Kosovo Cadastral Agency does not possess and other data necessary for the determination of reciprocity, the Ministry shall request from other relevant public, central and local institutions in the Republic of Kosovo.

4. The data under this article can also be obtained from the electronic database.

### **Article 8**

#### **Obtaining information about the legislation of the foreign country**

1. In the procedure of reciprocity verification, the Ministry shall obtain the information on how the acquisition of property rights is regulated by the legislation of the state of the foreign citizen, including the manner of acquisition of property rights for natural or legal persons in the Republic of Kosovo, over the immovable properties of the same type and located in the same area.

2. The Ministry shall obtain the data under the previous paragraph upon request to the country of the foreign citizen; by directly checking the legislation of the foreign country or through official sources.

3. If the legislation of foreign citizen on the acquisition of property rights is not the same throughout the territory of the country, the Ministry obtains the information about the legislation that applies to the area where the foreigner has permanent residence.

### **Article 9**

#### **Verification of reciprocity according to the legislation of the foreign country**

1. After obtaining the data from the legislation of the foreign country, it is first verified whether, according to the legislation of that country, the citizen or legal entity of the Republic of Kosovo can acquire the property right over the same property, located in the same area in the respective country, in the manner, procedures and conditions required by the foreign citizen.

2. If the Ministry establishes that a citizen or a legal entity of the Republic of Kosovo can acquire the property right to immovable property of the same type, located in the same area

in the country of the foreign citizen, then it assesses whether the legislation of foreign country provides the same or similar conditions for the acquisition of property rights over the same type of immovable property, located in the same area.

### **Article 10**

#### **Verification of reciprocity according to the database - registry of reciprocity by state**

1. Upon the creation and consolidation of the register of reciprocity for individual states, the Ministry checks the register on data for the relevant foreign country according to Article 16 of this Regulation, to verify the existence of reciprocity for the acquisition of property right over immovable property, according to the completed request of a foreign citizen.
2. After checking the register, if it is established that the reciprocity has already been verified, then the Ministry will also check whether there have been amendments to the legislation of the foreign country.
3. When it is established that the legislation of the foreign country has not been amended, or that the provisions of the law applied in the specific case have not changed, the Ministry issues a decision concluding that the reciprocity exists. The decision shall contain the reasoning that includes a brief explanation of the applicant's allegation and a reference to the legislation of the foreign state on the basis of which the case was decided.
4. In the cases under this Article, the decision shall be issued within 60 days upon receipt of the completed request.

### **Article 11**

#### **Issuance of decision**

1. Upon the assessments carried out, if it is established that, according to the legislation of that state, a citizen or a legal entity of the Republic of Kosovo cannot acquire the property right over immovable property of the same type and located in the same area, in the manner, procedures and conditions required by the foreign citizen, the Ministry shall issue a decision concluding that the reciprocity does not exist and the request of the foreign citizen shall be rejected.
2. A foreign person who has not been granted consent to acquire the property right cannot repeat the request for granting the consent to acquire the property right over the same immovable property, before the time limit of 5 years has passed from the date of submission of the request, which was rejected.
3. Exception from paragraph 2 of this article, is the case when the foreign person proves that the relevant facts have changed in the relevant country that allow this person to gain the right

of ownership due to an international agreement or reciprocity in accordance with the law in force.

4. Upon the assessments carried out, the Ministry shall issue a decision in accordance with Article 8 of this Regulation concluding that the reciprocity exists.

5. The decision shall be issued within 60 days from the day the completed request is received.

6. The dissatisfied party and persons who have any legal interest may initiate an administrative conflict against the decision of the Ministry before the competent court.

7. The decision by which the existence of the reciprocity has been established, shall be valid for one (1) year from the day the decision became final.

## **Article 12**

### **Establishment of the property right and its registration**

1. All institutions competent for the establishment or recognition of the property right of foreign natural and legal persons shall base the establishment of this right on the final and valid decision on the existence or non-existence of reciprocity. The legal act on the establishment of the property right must contain the information from the Decision on the verification of the existence or non-existence of reciprocity with the relevant state.

2. When registering the immovable property in the IPRR, in addition to other data, it should be added that the established property right belongs to a foreign natural or legal person of the particular state.

3. In cases where the acquirer of property rights is a foreign state, the respective decision of the Ministry of Foreign Affairs must be attached to the request for registration.

## **Article 13**

### **Database on reciprocity**

1. The database on reciprocity contains:

1.1. Data on reciprocity by country.

1.2. register of issued decisions by country.

1.3. evidence of the registration into the IPRR of the right to immovable property of foreign citizens.

1.4. information on reciprocity for the acquisition of property right over immovable property between the Republic of Kosovo and other countries.

2. The Ministry creates and maintains the database, in analogue and electronic form, for reciprocity in the property rights of foreign citizens.

#### **Article 14**

##### **Data on reciprocity by country**

1. The Ministry shall establish and maintain data on the existence of reciprocity in individual countries.

2. The data under paragraph 1 of this Article for each country shall contain the following information:

2.1. individual types of immovable property and areas for which there is reciprocity and for which there is no reciprocity;

2.2. the legal basis that regulates the acquisition of the property right over immovable property of any type;

2.3. the area in which the immovable property is located;

2.4. the manner of the acquisition of the property right.

3. The data under paragraph 2 of this Article shall be obtained from the decision taken according to this Regulation on the verification of reciprocity and shall be entered in the register after the decision becomes final.

4. The data under this Article shall be published on the official website of the Ministry.

#### **Article 15**

##### **Register of the issued decisions by country**

1. For the purpose of statistical monitoring, the Ministry shall establish and keep evidence on decisions issued based on this Law.

2. The Ministry publishes the statistical data on the decisions issued according to this Regulation on its official website, every six (6) months.



**Article 16**  
**Evidence of the registration into the IPRR**

1. KCA - Municipal Cadastral Office is obliged to submit data to the Legal Department of the Ministry of Justice for registration in the register of the property right of foreign citizens to the immovable property in the Republic of Kosovo within thirty (30) days from the day of registration. Data are submitted in an electronic or physical form.
2. The Ministry shall keep the evidence on registration of the property right of foreign natural and legal persons over the immovable property in the Republic of Kosovo.

**Article 17**  
**Information on reciprocity**

1. Based on the data on reciprocity by country, as well as obtained information on the acquisition of property rights according to the legislation of a foreign country, including the acquisition of the property right of foreign natural and legal persons with a seat in the Republic of Kosovo over the immovable property of the same type, located in the same area, as well as restrictions for acquiring this right, the Ministry shall prepare the information on reciprocity for acquiring the property right to immovable properties between the Republic of Kosovo and other countries, except EU member states.
2. This information shall include the name of the country, the existence or non-existence of reciprocity restrictions and conditions for acquiring property rights of foreign citizens in that country. The information form is attached as Appendix 3 of this Regulation.
3. The information under this Article shall be published on the official website of the Ministry.

**Article 18**  
**Annexes**

1. The following Annexes are part of this Regulation:
  - 1.1. Annex 1: Request for granting consent to foreign persons for acquiring the right of ownership in immovable property in the Republic of Kosovo;
  - 1.2. Annex 2: Request for immovable property data for the reciprocity verification procedure;
  - 1.3. Annex 3: Information on reciprocity for acquiring the right of ownership in immovable property between the Republic of Kosovo and other states except EU member states.

**Article 19**  
**Entry into force**

This Regulation shall enter into force seven (7) days from the day of its publication in the Official Gazette of the Republic of Kosovo.

**Albulena Haxhiu**

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Minister of Justice

18.07.2023



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**REQUEST**  
**FOR GRANTING THE CONSENT TO FOREIGN PERSONS TO ACQUIRE THE**  
**PROPERTY RIGHT OVER THE IMMOVABLE PROPERTY IN THE REPUBLIC**  
**OF KOSOVO**

**Applicant's data:**

Name and surname/name of the legal person	
Address of residence or place of stay/seat	
Identification number	
Nationality	
Tel. / e-mail	

**Data on the authorized person for representation or for receiving the documents:\***

Name and surname/name of the legal person	
Address of residence/seat	
Tel. / e-mail	

**Data on immovable property for which consent is required for acquiring property right:**

Municipality	
Cadastral zone	
Number of the parcel/ the address and number of the building or part of the building	
Type of immovable property	
Data on the registered owner or user	

Evidence of ownership of the alienator/seller of the property	
Legal basis for the acquisition of the ownership by a foreign citizen (Contract on purchase and sale, on gift, etc.)	

**Remarks/additional information of the applicant:**

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In \_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_  
Signature of the applicant/authorized person

**The following shall be attached to the written request:**

1. Legal basis for the acquisition of the ownership by a foreign citizen (Contract on purchase and sale, on gift, on support etc.), in original or certified copy.
2. Evidence of ownership of the alienator/seller of the relevant property – certificate of ownership.
3. Evidence of citizenship of the acquirer of property right, i.e. the certified copy of passport or evidence on the status of legal person – document from the register on registration.
4. If the applicant is represented by an authorized representative, it is necessary to attach the authorization in the original or certified copy.
5. Proof of payment of the prescribed fee.

\*If necessary, the party may be invited to submit other documents within the specified timeline,



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**REQUEST**  
**FOR DATA ON IMMOVABLE PROPERTY FOR THE PROCEDURE**  
**OF RECIPROCITY ASSESSMENT**

**1. Data on immovable property**

Municipality	Cadastral Zone	Number of the Parcel	Type of Property (Ownership status: private, public property...)	Type of Use (culture)

**2. The consistency of the data in the graphical part and the Immovable Property Rights Register (IPRR).**

Number of the parcel	The graphical description matches the IPRR	The graphical description doesn't match the IPRR	Remarks

**3. Data on the status and area in which the property is located:<sup>1</sup>**

Natural resource	
Public good for general use	
Public property announced as a cultural heritage of special significance	

**a) Does the property have the status of:**

**b) Is the property located in the area:**

within a radius of one (1) kilometre from the border of the Republic of Kosovo	
which presents protection of the interest and security of the state and to which, by a separate law, foreign citizens shall not have the ownership right;	

**Additional notes of the institution:**

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\_\_\_\_\_  
Name and signature

<sup>1</sup> If the institution to which the request is addressed does not have the data, it shall write "*no data available*"



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**INFORMATION**  
**ON RECIPROCITY FOR ACQUIRING THE PROPERTY RIGHT TO**  
**IMMOVABLE PROPERTIES BETWEEN THE REPUBLIC OF**  
**KOSOVO AND OTHER COUNTRIES, EXCEPT THE EU MEMBER**  
**STATES.**

<b>No.</b>	<b>Country</b>	<b>Reciprocity Restrictions in acquiring property rights by foreign citizens.</b>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		