

LAW NO. 08/L-013

ON PROPERTY RIGHTS OF FOREIGN CITIZENS IN THE REPUBLIC OF KOSOVO

The Assembly of the Republic of Kosovo;

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

Approves:

LAW ON PROPERTY RIGHTS OF FOREIGN CITIZENS IN THE REPUBLIC OF KOSOVO

**Article 1
Purpose**

The purpose of this law is to govern the property rights of the foreign natural and legal persons including creation, content, transfer, protection, limitation or retention in line with the requirements and procedure provided in the respective laws of the property rights or other real rights that could be created under the law.

**Article 2
Scope**

Provisions of this law shall be implemented by natural foreign citizens and legal persons registered in foreign countries.

**Article 3
Definitions**

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

1.1. **Natural foreign person** – means any natural person who is not a citizen of the Republic of Kosovo;

1.2. **Foreign legal person** – means the legal person which is registered and has its seat outside the Republic of Kosovo;

1.3. **Public property** - means the movable and immovable property, assets and resources which are designated for use by everyone, for various activities except those prohibited by law and which could be property of Republic of Kosovo or units of local self-governance. The content, rights, obligations and responsibilities for the administration of public properties are governed by a separate law;

1.4. **State-owned property** - means the property registered in the name of the Republic of Kosovo or in the name of central state bodies or institutions or central public enterprises that exercise ownership powers over public property provided by law, in the name of the owner of the public property;

1.5. **Property of units for administration of local government** - means the property registered in the name of municipality or capital city or municipal public institutions or enterprises that exercise public authorities provided by law, whereby the municipality/ capital city have the right of possession and administration.

Article 4
Acquisition of property rights by foreign persons

1. Foreign natural and legal persons have the right to be holders of property rights in the territory of the Republic of Kosovo, based on the principle of reciprocity and requirements specified in this law or International Agreement.
2. Foreign persons under paragraph 1. of this Article may acquire property rights over the immovable property based on the valid legal transaction, inheritance, decision of a state body or other valid ways of property acquisition as provided by law.
3. Foreign natural and legal persons may be holders of ownership right over movable property under the same conditions as the citizens of the Republic of Kosovo.

Article 5
Reciprocity

1. Reciprocity exists when a citizen of the Republic of Kosovo or a legal person with seat in Kosovo can acquire the right to immovable property in the state of foreign citizen under the same conditions as the foreign citizen can acquire the right to immovable property in the Republic of Kosovo.
2. The provisions of this law shall not apply if the manner and conditions for the acquisition of property rights of foreigners to immovable property are governed otherwise by the Law or an international agreement.
3. In the event of foreign double citizenship, reciprocity shall be determined in accordance with the law of the country in which the foreigner resides or the law of the country in which foreigner had a permanent residence before obtaining the permanent residence permit in the Republic of Kosovo.
4. When a foreigner is stateless, reciprocity shall be determined in accordance with the legislation of the country of his birth or of the country in which he is registered or in the country in which he was a foreign resident before obtaining the permanent residence permit in the Republic of Kosovo.
5. Ministry of Justice shall determine the reciprocity and shall maintain a database on the reciprocity with particular countries in relation to ownership rights of foreigners to immovable property.

Article 6
**Reciprocity in the acquisition of property rights of a foreign country
to immovable property**

1. With regards to the acquisition of ownership to immovable property for the activity of diplomatic or consular missions of a foreign country, reciprocity shall apply if the diplomatic or consular mission of the Republic of Kosovo acquires the property rights under the same conditions that the foreign country applies to the third countries.
2. Certificate of reciprocity under paragraph 1. of this Article shall be issued by the Ministry of Foreign Affairs.

Article 7
**Limitation of ownership rights to immovable property
for a foreign person**

1. A foreigner shall not have the right to the following public properties envisaged in the respective Law on Public Property:

- 1.1. natural resources;
 - 1.2. public goods for general use;
 - 1.3. agricultural land in public ownership;
 - 1.4. forests and forestry lands in public ownership;
 - 1.5. movable or immovable public property announced a cultural heritage of special significance;
 - 1.6. immovable property which is located within the radius of one (1) kilometer from the border;
 - 1.7. immovable property which is located in the area which presents protection of the interest and security of state and to which, by a separate law, foreign citizen shall not have the ownership right;
 - 1.8. immovable property in public ownership which, based on the applicable laws, cannot be transferred to private ownership of Kosovo citizens.
2. Exceptionally from paragraph 1. of this Article, a foreign natural person can acquire the ownership rights over agricultural properties, forests and forestry lands with an area of up to five thousand (5000) m² only if the subject of agreement relates to residential building located in that area.
 3. A foreign person may have the right to long-term rent, concession and other agreement over immovable properties from paragraph 1. subparagraph 1.1. through 1.6. of this Article, under the same conditions as the national persons.

Article 8 Registration Procedure

The procedure for the registration of property rights in the immovable property rights register is the same as for the citizens of the Republic of Kosovo.

Article 9 Property rights of citizens of European Union member states

1. Persons of European Union member states (hereafter: EU) are the natural persons who are citizens of an EU member state and legal persons established under the law of one of the EU member states that have a representation or branch in the Republic of Kosovo.
2. Persons of EU member states may be holders of ownership rights over immovable property under the same conditions as the Kosovo citizens, respectively legal persons under the same conditions as legal persons in Kosovo, based on the principle of non-discrimination.
3. For the exercise of the rights specified in paragraph 1. of this Article, the EU citizens have to prove that:
 - 3.1. natural person is the citizen of an EU member state, or
 - 3.2. legal person is established based on the law of an EU member state, and
 - 3.3. the right of holding the property right is related to the exercise of fundamental rights guaranteed by the EU legislation

4. The right to immovable property for citizens of EU member states or legal persons of an EU member state that have representation or branch in the Republic of Kosovo, shall be restricted in accordance with the provisions of the respective Law on public property same as the restrictions of the rights of citizens or legal persons of the Republic of Kosovo to immovable property.

Article 10 Transitional Provisions

1. The Ministry of Justice with bylaw shall regulate:

1.1. the procedures for determination and verification of reciprocity;

1.2. conditions, content and manner of the maintenance of database from Article 5 paragraph 5. of this Law.

2. Sub-legal acts defined by this Article shall be issued within one (1) year from the approval of this Law.

Article 11 Entry into force

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

**Law No. 08/L-013
21 January 2022**

Promulgated by Decree No. DL-57/2022 dated 04.02.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu