



UNMIK/REG/2005/13  
4 March 2005

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**REGULATION NO. 2005/13**

**ON THE LONG-TERM ALLOCATION OF SOCIALLY-OWNED  
IMMOVABLE PROPERTY MANAGED BY MUNICIPALITIES IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Taking into account UNMIK Regulation No. 2001/9 of 15 May 2001 on a Constitutional Framework for Provisional Self-Government in Kosovo, in particular section 8.1 (q), and UNMIK Regulation No. 2000/45 of 11 August 2000 on the Self-Government of Municipalities in Kosovo.

For the purpose of enhancing economic development in Kosovo,

Having consulted the Provisional Institutions of Self-Government in Kosovo and sought the advice of the Economic and Fiscal Council,

Hereby promulgates the following:

Section 1  
Definitions

“Holder of a Right” means a legal or natural person or entity properly registered in cadastral records or other court-authenticated title documents as a holder of a right of use with respect to Property or as a possessor of Property.

“Property” means land, including any structures thereon, and parts thereof, classified as immovable socially-owned property in accordance with the applicable law.

“Term” means a period of up to ninety-nine years from the date of the allocation of the Property by a Municipality.

## Section 2 Long-Term Allocation of Property

2.1 Subject to the prior written authorisation of the Central Authority for any allocation of Property for which the duration of the Term of allocation exceeds ten years, a Municipality shall be authorised to allocate any Property for which it is the Holder of a Right to any natural or legal person or entity for the duration of the Term.

2.2 The Central Authority shall only authorise such allocation of Property to a person or entity, if the Municipality has selected the person or entity through non-discriminatory, open, transparent and fair procedures in conformity with the Law on Public Procurement in Kosovo, UNMIK/REG/2004/3. All proceeds derived from such allocation accruing to the Municipality shall be deemed public money subject to the provisions of the Law on Public Financial Management and Accountability, UNMIK/REG/2003/17, as amended.

2.3 Any allocation of Property shall be officially recorded by the Municipality in the name of the beneficiary as the new Holder of a Right to the Property for the duration of the Term.

## Section 3 Illegal Possession

The Holder of a Right to Property allocated by a Municipality pursuant to section 2 above shall have right to have any illegal possessors removed from that Property and to be compensated for damages caused by an illegal possessor, in accordance with the applicable law protecting owners of real property.

## Section 4 Physical Changes

4.1 Physical changes to Property allocated by a Municipality pursuant to section 2, including any construction thereon, shall not affect the duration of the Term for which the Property is allocated.

4.2 The rights of a Municipality or the Holder of a Right to Property allocated by a Municipality pursuant to section 2 shall not be affected by physical changes to such Property or any building or structure erected on the Property.

Section 5  
End of the Term

Upon the expiry or earlier termination of the Term of allocation of Property, the right to use or hold the Property will revert to the Municipality, and the beneficiary of the allocation will return possession of the Property to the Municipality without having any claim to or entitlement for improvements made to the Property. The relevant official records shall reflect the termination of the allocation at the end of the Term.

Section 6  
Applicable Law

The present Regulation shall supersede any provision in the applicable law, which is inconsistent with it.

Section 7  
Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present Regulation.

Section 8  
Entry into Force

The present Regulation shall enter into force on 4 March 2005.

Søren Jessen-Petersen  
Special Representative of the Secretary-General