

RECOMMENDATIONS

National Convention on European Integration 2021-2023

Working Group I (Judiciary and Fundamental Rights) Session 2, Topic: Property rights in framework of Chapter 23 22 December 2022

- *The process in Albania for the registration and digitalization of the cadastral data has started but has not been yet completed. As European Commission country report of 2022 states, it is estimated that approximately 80% of the data on registered properties is incorrect and almost 10% of the country's territory remains unregistered. This process should be accelerated and should be finalized as it is substantial for full transparency of this data, in protecting property rights and going further on the compensation process and also on fighting corruption.*
- *Corruption in this sector remains active and a prominent issue. Tools and efforts should be implemented in fighting this phenomenon. It is recommended that the cadastral register should be fully transparent and accessible to the public and interest groups.*
- *Transparency should be the main goal when it comes to dealing with property rights while the tools used in this regard may vary and may be used based on the objectives and the process. These tools might include publicity and freedom of information based on the legislative framework related to cadastral register and data, open and accountable government and protection of whistleblowing related mostly on fight against corruption.*
- *Yet, this openness and publicity should take into consideration the protection of personal data and should be aligned with national legislation on protection of personal data and of the principles of GDPR. In this context, some sensitive data should not be public to everyone but only to persons concerned. The case of Slovakia, is that the birth number (unique identification number of a person assigned at birth) and price of the property are only available to persons concerned, the same is for documents in collection of deeds which can be available only to the owners of the property, legal predecessors or successors.*

- *The online cadastral register or/and portal it is recommended to be accessible for everyone and the services provided to be free for all without extra costs. The principle of publicity is fundamental in order to protect ownership rights and in this regard lowers the corruptive incentives. Everyone should have the right to look into the cadastre and may take extracts, sketches or copies of various documents. Yet there should be some exemptions when it comes to most sensitive data and documents, that should be available only for the direct concerned persons.*
- *As the legislative framework should be further updated and aligned with the EU legislation and should be more comprehensive with more implementing acts, it is recommended on the other hand that this legislation should be foremost implementable and all the tools and institutions needed for its implementation to be put in place. In this regard it should be taken into consideration the practical aspects of this matter such as logistical and technical issues, reliability of data, coordination among authorities etc.*
- *On the online register portal it is recommended to be taken necessary measures in order for managing and updating such register. In order for not creating administrative burden while working and operating in this register, should be planned the administrative and financial resources. It is also recommended that this register to be offered in at least two languages (national language -Albanian in our country's case and English language). Amendments of legislative framework should be taken into consideration in order to smoothly update the portal with all necessary data and information aligned with such amendments.*