

LAW
No. 73/2015
ON SOME ADDITIONS AND AMENDMENTS TO THE LAW NO. 107/2014, “ON
TERRITORIAL PLANNING AND DEVELOPMENT”

Pursuant to the Articles 78 and 83 (1) of the Constitution, and upon proposal of the Council of Ministers, THE PARLIAMENT OF THE REPUBLIC OF ALBANIA DECIDED: The Law no. 107/2014, “On territorial planning and development”, shall be added and amended as follows:

Article 1

After Article 4 shall be inserted Article 4/1 worded as follows:

“Article 4/1

Public space

1. Public space is the outdoor space, such as the pavement, street, square, gardens, parks and others, serving the community, which may be under public and/or private management. Public space includes public routes and environments that are opened for the public or serving the public, despite the legal regime of the land and beyond definitions of public property, pursuant to the Law No. 8743, dated 22/02/2001 “On immovable state properties”.
2. Public authorities shall, ex officio or in partnership with the private sector, create public spaces through construction of public infrastructures, as determined under Article 3 of the Law No. 107/2014, “On the greenery, transport, social, educational, sports, relaxing and/or recreational activities, according to special rules, conditions and standards”.
3. Local planning authorities are obliged to ensure, with their own costs, the protection, maintenance and improvement of the public spaces, including the private property, without violating the right of the owners to develop such spaces themselves, prior to the initiation of development by the authorities.
4. In public spaces shall be allowed only those activity that are in compliance with the purpose of such spaces.
5. The Council of the Ministers shall determined by a decision, the rules, the terms and conditions and the procedures for the usage and management of public spaces”.

Article 2

Article 6 (6) (b), shall be amended as follows:

1. The words “and their employment relationship” shall be replaced by the words “of the employees of this agency”.
2. At the end of this point shall be added the sentence worded as follows: “Employment relationships of the employees of the agency shall be governed by the Labour Code of the Republic of Albania”.

Article 3

At the end of Article 7 shall be inserted the paragraph worded as follows:

“2. At the National Territorial Council, operates the technical secretariat of this council, which shall be responsible for:

- a) convening the NTC meetings;
- b) preparing the documentation for review in the field of territorial planning and development;
- c) administering the aforementioned documentation.

The rules on the organization and functioning of the body that shall operate as a technical secretariat, the number of its employees, the level of their salaries and rewards and their

employment relationships shall be approved by decision of the Council of Ministers, upon proposal of the minister responsible for territorial planning and development issues.

Article 4

Point 4 in Article 9, shall be repealed. Article 5 After Article 14 shall be inserted Article 14/1 worded as follows:

“Article 14/1

Delegation of responsibilities

1. The national and local planning authorities can delegate certain responsibilities for the territorial planning to their subordinate bodies.
2. The national and local planning authorities can delegate to each-other, by mutual agreement, certain responsibilities and functions related to the territorial development planning and control.
3. The national and local authorities may subcontract the execution of various territorial planning and development services or they may jointly render such services through mutual agreements.”

Article 6

After Article 45 shall be inserted Article 45/1 worded as follows:

“Article 45/1

Condition on the environmental adjustment

1. All the constructions of residential buildings, spaces and services for the public, including parks, squares and streets, within the territory of the Republic of Albania, shall meet the requirements and standards of adjustment for persons with disabilities, in accordance with the provisions set out in the Regulation on the use of spaces from persons with disabilities.
2. Adjustment of new constructions or in process of reconstruction, as mentioned above, shall constitute a condition for the issuance of the construction permit and certificate of use, pursuant to the procedures laid down in the territorial planning regulation.
3. The responsible authorities of the institutions rendering services to the public shall be obliged to ensure a basic level of adjustment of the construction structures in the existing facilities under their administration.”

Article 7

Transitional provision

Pending the establishment and starting of operation of the NTC technical secretariat, the functions of this secretariat shall be performed by the National Territorial Planning Agency.

Article 8

The Council of Ministers shall be in charge of approving, within 2 months following entry into force of this law, the secondary legislation pursuant to this Law.

Article 9

This Law shall enter into force 15 days after its publication in the Official Journal.

SPEAKER OF THE PARLIAMENT

Ilir Meta

Approved on 09/07/2015. Promulgated with Decree no. 9184, dated 20/07/2015 of the President of the Republic of Albania, Bujar Nishani.