

LAW
No. 28/2017

**ON SOME AMENDMENTS AND ADDITIONS TO THE LAW NO. 107/2014, “ON
TERRITORIAL PLANNING AND DEVELOPMENT”, AS AMENDED**

Pursuant to the Articles 78 and 83 (1) of the Constitution, and upon proposal of the Council of Ministers,

PARLIAMENT
OF THE REPUBLIC OF ALBANIA
DECIDED:

The Law No. 107/2014 “On territorial planning and development”, as amended, shall be amended and added as follows:

Article 1

1. Wherever used in this Law, the designations “General Territorial Plan” and “General National Plan” shall be replaced by the designations “General National Territorial Plan” (GNTP), and the designation “Integrated Territorial Register” shall be replaced by the designation “National Territorial Planning Register”.
2. In any cases of description, in this Law, of responsibilities and duties of the National Territorial Planning Agency, the wording “territorial planning and development” shall be replaced by the wording “territorial planning”.

Article 2

In Article 3, the following amendments and additions shall be made:

1. In point 1, the words “and development” shall be removed.
2. Point 33 shall be amended as follows:
“33. “National Territorial Planning Register”, hereinafter referred to as the register, is the national database, pursuant to provisions of the respective legislation, in which are registered and administered by the national and local authorities, independently, the data on the territory, the planning documents, whether in process of approval or already approved, together with the rights or legal restrictions deriving from them, as well as studies or other materials serving the planning and being of public interest, according to the provisions of the legislation in force”.
3. Point 38 shall be amended as follows:
“38. “Regulation on the National Territorial Planning Register” is the regulation approved by decision of the Council of Ministers, which specifies the rules for the data administration and maintenance, such as the obligations of the public authorities and other natural and juridical persons, as regards the maintenance and submission of the documents and data to the register.”
4. After Point 39 shall be inserted Point 39/1 worded as follows:
“39/1. “The e-permit system” is the integrated system of programs and electronic equipment, used for the processing and maintaining (including the digital processing) of data and documents, that are sent electronically, for the execution of application procedures and review of requests for construction permits, pursuant to the legislation in force.”
5. Point 44/1 with the following content shall be inserted after point 44:
“44/1. “Development area” is the territory subject to the development process, part of a structural unit, as determined in the detailed local plan”.

Article 3

In Article 9 (1), the point “dh” shall be amended as follows:

“dh) for checking compliance of the acts published in the register with the applicable laws and documents of planning;”.

Article 4

In Article 12 (2), the following amendments shall be made:

1. Point “a” shall be amended as follows:

“a) approving the initiative for the development and review of the general local plan”.

2. Point “b” shall be amended as follows:

“b) approving the general local plan;”.

3. Point “d” shall be repealed.

Article 5

In Article 13 (1) (d), the wording “ local planning documents” shall be replaced by the wording “general local plan”.

Article 6

Article 22, shall be amended as follows:

1. Points 5, 6 and 7 shall be amended as follows:

“5. The private initiative must be supported by the owners that own not less than 51 percent of the surface of the development area, for which the detailed local plan shall be proposed.

6. The Mayor shall decide on the approval of the detailed local plan within 45 days from the date of submission of the complete final documentation for review, after informing the interested parties through one or more traditional information channels and organizing public hearings with them, where requested.

7. The Mayor shall decide on the approval of the detailed local plan, based on the technical report, prepared by the structures of the local authority responsible for the planning, only if the residents that own more than one third of the surface of the respective development area do not object.”

2. Points 10 and 11 shall be repealed.

3. Point 12 shall be amended as follows:

“12. The detailed local plan shall be registered in the immovable property register, as a basis for conducting property transactions. New plots created by the subdivision and / or merger of existing plots shall be subject to a transaction only after being registered in the immovable property register, upon the request of developers.”

4. In point 13, the word “development” shall be replaced by the word “planning”.

5. In Article 14, the first sentence shall be amended as follows:

“The document of the detailed local plan shall be accompanied by a technical document of the balanced allocation of the development rights, whereby the shares of benefits from the development, are fairly and proportionally determined in compliance with the contribution in the development”.

Article 7

The title of the section III, Chapter II, shall be amended as follows:

“Public coordination, counselling and reviewing of the planning documents at central level and general local plan”.

Article 8

Article 24(1) shall be amended as follows:

“1. The authority responsible for the development of the planning document organizes one or more sessions of public hearing and consultation, before any decision-making related to the planning documents at central level and the general local plan and repeats them, as may be necessary, with the aim of fully informing the interested parties and solving the conflict.

Article 9

In Article 26, are made the following amendments and addenda:

1. At the end of point 1 shall be added the sentence worded as follows:

“The General National Territorial Plan shall be subject to evaluation, in order to be aligned with the new social, economic and environmental factors, at least every 5 years, pursuant to the time frame of the National Strategy for Development and Integration”.

2. Points 2 and 3 are amended as follows:

“2. The plans shall be amended even in cases of territorial and administrative division, unpredicted demographic, social and economic changes, changes due to sectoral crises or force majeure events, as well as in cases where there is a need for alignment with documents of a higher level of planning or amendments to the legal framework in the field of territorial protection and management, as well as for purposes of approximation with the European Union legislation.

3. The rules and procedures for plans amendment or their full review, pursuant to this Article, will be defined in the planning regulation”.

Article 10

Article 28 (1) shall be amended as follows:

“1. NTC is the authority responsible for the decision-making for development permit and construction permit for types of complex development, as determined in the development regulation and those related to cases, areas, facilities of national importance or with strategic investments of national interest.”

Article 11

Article 31 shall be amended as follows:

1. At the end of Point 1 shall be added the words “and public spaces”.

2. In Point 2, the wording “stipulated in” shall be replaced by the wording “in compliance with”.

Article 12

Article 40 shall be amended as follows:

1. Point 3 shall be amended as follows:

“3. The extension of the deadline for the completion of the constructions shall be made by the authority that has approved the permit, based on the justified request of the entity holding a construction permit. The request shall be accompanied by the new schedule of works and the proof of payment of the penalty imposed for the deadline violation, pursuant to the Article 52 of this Law”.

2. Point 5 shall be repealed.

Article 13

In Article 42, the points 1, 2, and 3 shall be amended as follows:

“1. At the completion of the development process, the responsible planning authority shall issue the certificate of use for the facility, that confirms the completion of works in compliance with the conditions of the construction permit, as well as the observance of the criteria of the documents of the development planning and development.

2. The entity performing the construction works shall, in any case, issue a statement declaring that the facility has been constructed in compliance with the project and with the technical conditions in force.

3. The certificate of use shall be issued only if the inspection reports certify that the works are performed in compliance with the conditions of the permit as per the milestones and criteria set forth in the legislation on construction works”.

Article 14

In Article 43, the following amendments shall be made:

1. Point 1 shall be amended as follows:

“1. The application for construction permit shall be made through the e-permit system for construction permit.

The Council of Ministers shall determine the rules of organization and functioning of the e-permit system of construction permits”.

2. At the end of Article 3 shall be added the sentence worded as follows:

“The authority responsible for the development shall not set out procedures or requests different from those foreseen in this law and in the regulation of development, as regards the issuance of permits in the area of construction”.

Article 15

Article 46(1) shall be amended as follows:

“1. Tax of new constructions impact on infrastructure shall be applied for the new developments that, according to this law, require the construction permit and shall be calculated according to the legislation for the local taxes system”.

Article 16

In Article 52 (1), after the letter “gj” shall be added the letter “h” with the following wording:

“h) the refusal of the construction permit in violation of the applicable legislation is punishable with a fine from ALL 300,000 up to ALL 500,000”.

Article 17

In Article 54(b), the words “and the control of development” shall be removed.

Article 18

In Article 56 (1), the words “development and control of territorial development” shall be removed.

Article 19

In Article 57(1) point "ç" shall be repealed.

Article 20

Transitional provisions

1. For the construction permits, whose deadline for the completion of constructions has expired, as determined in the form of the respective permit, before the entry into force of the Law No. 107/2014 “On territorial planning and development”, as amended, the extension of the deadline can be made by the responsible authority, upon the request of the developer, provided that no more than 10 years have passed from the date of approval of the construction permit and the entity has previously paid the penalties provided for in Article 52 of the Law No. 107/2014, “On territorial planning and development”, as amended.

2. If the construction works for these permits, in view of the Article 9 of the Law No. 8402, dated 10/09/1998, “On disciplining and controlling construction works”, as amended, are not yet initiated by the date of the entry into force of the general local planning document, the extension of the respective permit term shall be made upon compliance with the general local plan”.

Article 21

Secondary legislation

The council of Ministers shall be in charge of approving, within 3 months following entry into force of this law, the secondary legislation pursuant to Article 14 of this Law.

Article 22

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

Approved on 23/03/2017

Promulgated with Decree no. 10117, dated 07/04/2017 of the President of the Republic of Albania, Bujar Nishani.