REPUBLIC OF ALBANIA
THE PARLIAMENT

LAW

NO. 107/2014

ON TERRITORIAL PLANNING AND DEVELOPMENT

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

THE PARLIAMENT

OF THE REPUBLIC OF ALBANIA:

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1
Purpose

This Law aims at:

a) ensuring the sustainable development of the territory through the rational use of land and natural resources;

b) assessing the current and prospective potentials for the development of the territory at national and local level, based on the balancing of natural resources, economic and human needs and public and private interests, coordinating the work on:

i) preserving natural resources such as land, in particular arable land, air, water, forests, flora, fauna, landscapes;

ii) constituting and guaranteeing construction-related territories, organized in a harmonized and functional way, giving priority to public space, housing possibilities for all economic and social strata, the institution of appropriate physical infrastructure to stimulate investment in the conduct of economic, social and cultural activities and, facilitating the safe use of public utilities, commodities, transport, communication and infrastructure, including adapted territories;

iii) promoting economic, social and cultural life at the national and local level;

iv) providing sufficient and especially vital supply sources;

v) guaranteeing the conditions for a safe life and public health, public order and national security;

vi) promoting balanced regional development in view of ensuring sustainable population distribution within the country, on a resource-basis;

c) promoting appropriate actions for the protection, restoration and enhancement of the quality of natural and cultural heritage and for the conservation of biological

diversity, protected areas, natural monuments, sensitive environmental and landscape areas;

ç) enabling the right to use and develop the property, in accordance with the planning documents and the environmental legislation in force;

d) creating suitable conditions, equal opportunities and rights for housing, economic and social activity for all social categories, economic and social cohesion and enjoyment of property rights;

dh) ensuring national and local planning authorities draft and regularly update the existing planning documents, in accordance with market demands and social needs;

e) ensuring planning authorities co-ordinate their planning activities to promote harmonized and integrated territorial planning.

Article 2
Scope

This Law sets forth the basic principles, responsibilities and rules for the planning and development of the territory of the Republic of Albania.

Article 3
Definitions

In this Law, the following terms shall have the following meanings:

1. "National Territorial Planning Agency (NTPA)" shall mean an institution with planning competencies within the ministry responsible for territorial planning issues.

2. "Planning Authorities" shall mean all public bodies and institutions in charge of planning and development of the territory, in accordance with Article 5 herein.

3. "Constructions Inspection Authorities" shall mean all bodies defined in the constructions' inspection legislation.

4. "Merging for Development Purposes" shall mean the merging of two or more parcels into a single one, for development purposes, in accordance with the definitions provided for in this Law, by-laws for its implementation and planning documents.

5. "GIS State-run Database" shall mean the summary of all the territorial planning documents, as provided in the definition of geo-spatial data legislation, in accordance with GIS principles and the individual layers of maps prepared using digital media.

6. "Utilisation Certificate" shall mean the official document issued by the responsible authority upon the approval of the application, which certifies that constructions comply with the conditions of the construction permits and that, works and constructions are suitable for use.

7. "Issues, Areas and Objects of National Importance in Territorial Planning" shall mean any issue, area or object that identify with or are linked to state or national interests.

8. "Preliminary Declaration on Works Performance" shall mean the statement filed with the responsible planning authority concerning works that do not require the issuance of a construction permit, according to the provisions of this Law and the by-laws issued for its implementation.

9. "Planning Documents" shall mean the official planning documents drafted and implemented within the territory, at the central and local level, in accordance with Article 16 herein.

10. "Right to Development" shall mean the legal right to develop a parcel and/or an area, in accordance with planning and development control documents. The right to

development is distinct from the right to property and is awarded by the local planning authority, which has the power to regulate the use of land under its jurisdiction, in accordance with the applicable legal provisions. Development rights can be held, exchanged or transferred by the landowner.

11. “Public Infrastructure” shall mean the entire existing or planned networks, installations and constructions, as well as public spaces aimed at the enactment of public services in the areas of transport, energy, water management, electronic communications, education, health, waste management and environmental protection, natural and cultural resources management, national, civil and fire protection, and other similar areas benefiting the public. Public infrastructure has a national or local character and is attained through public or private investment.

12. “Request for Development” shall mean any request filed with the responsible planning authority for construction and work permits, which contains the documentation specified in this law and in the by-laws for its implementation.

13. “The National Territorial Council (NTC)” shall mean the collegial body within the Council of Ministers and chaired by the Prime Minister.

14. “Development Control” shall mean the process enacted by the responsible planning authority, assessing and deciding on the compliance of the development requests, requests for constructions and works or constructions, with the approved planning, development and development control documents, the construction code and the applicable laws requirements.

15. “Development Conditions” shall mean the conditions set out in the detailed local plans or, in the absence of the general local plan or both, designated by the planning authority and serving as the basis for compiling the necessary documentation for obtaining the construction permits.

16. “Construction Permit” shall mean the act of approval follow to the request for construction permits and permitting the respective works.

17. “Development Permit” shall mean the act defining the development conditions for a given parcel/property, serving as the basis for obtaining building permits.

18. “Tacit Approval” shall mean the act of obtaining the right to develop, carry out works or use buildings without the approval of the planning authority, if the approval or refusal of the request has not been issued within the terms provided by the relevant provisions herein.

19. “Traditional Means of Information” shall mean:

a) electronic register;

b) electronic mail;

c) public announcements, displayed at the planning authority's premises and in other areas widely accessible by the public;

ç) announcements in the national or local electronic media;

d) publication in the newspapers of the local government or in the two most widely read newspapers at the national level.

20. “Construction” shall mean any building constructed or installed in a certain territory, permanent or temporary, developed under and/or on the ground.

21. “Unauthorised Building/Works” shall mean those processes and/or construction works carried out in the absence of a construction/building permit, a preliminary declaration for the completion of works or carried out under the circumstances of an expired permit.

22. “Constructions in Violation of the Building Permit” shall mean works and/or constructions carried out in violation of the technical and/or legal requirements and

criteria of the permit, despite accomplishing additional works and volumes in construction.

23. “Subdivision for Development Purposes” shall mean the division of a parcel into two or more parcels for development purposes, in accordance with the modalities set out in this law, in the by-laws for its implementation and, in planning documents.

24. “Territorial Structural Units” shall mean the smallest areas in which the administrative territory of a local unit of first level is divided for development purposes. Structural units are created in the framework of the local planning process and possess uniform development conditions applied at the parcel level, according to the definitions of the general local plan and/or development documents, in accordance with the provisions herein.

25. “Public Notice” shall mean any prior notification to the interested parties and/or the public, executed in sufficient time, through one or more of the traditional means of information, with a view to informing the interested parties on the time, place and purpose of the public meeting, according to this law.

26. “Interested Party” shall mean any natural or legal person, state authority or respective body, whose lawful rights or interests, jointly or severally, are likely to be affected by a planning, development or development control document.

27. “Parcel” shall mean the land portion identified by a cadastral parcel number and registered with the immovable property register.

28. “Land Use” shall mean the use of land and structures, as provided in the planning documents.

29. “Detailed Local Plan” shall mean the document detailing the definitions of the overall local plan for one or several structural units and specifying the requirements for the development of an area through building permits.

30. “Simplified Procedure” shall mean the procedure in place to shorten the terms of the planning process of any planning document, in accordance with the provisions herein.

31. “Draft-Act” shall mean any draft-decision prepared by planning authorities and the drafts concerning development planning and controlling documents, prior to being approved by the relevant authority.

32. “Works or Construction Works” shall mean any action or process related to constructions.

33. “Territory Integrated Registry”, hereinafter referred to as the “Registry”, shall mean the state-run database, according to the definition in the relevant law, whereby national and local authorities shall independently register data on the territory, the planning documents, under adoption or already adopted, including legal rights or limitations deriving therefrom, as well as studies or other materials in view of planning and public interest, according to the provisions in the applicable legislation.

34. “Repair” shall mean works intended to restore buildings to acceptable conditions by repairing, replacing, or repairing damaged or degraded parts.

35. “Planning Regulation” shall mean the regulation approved by means of a CMD, which sets forth unified rules on the content and structure of the planning documents, according to Chapter II herein.

36. “Development Regulation” shall mean the regulation adopted by a CMD, defining detailed requirements and procedures for the implementation of the development management instruments and, on the content, structure and procedure for approving development control documents, according to Chapter III herein.

37. “Construction Regulation” shall mean the regulation adopted by a CMD, defining the mandatory basic technical norms and conditions to guarantee the sustainability of structures, emergency spaces, adequate lighting and ventilation, energy conservation and life safety, in relation to new and existing facilities, to protect public health, safety and general well-being of residents, as well as to adapt the spaces for use by persons with disabilities. This Regulation is based on international standards and includes technical standards adapted to the Albania situation.

38. “Regulation on the Registry” shall mean the regulation adopted by a CMD, which sets out the common geodesic structures and standards and those on GIS, rules on data administration and maintenance, as well as the obligations of public authorities and other natural and legal persons concerning maintenance and delivery of documents and data in the registry.

39. “Geographic Information System (GIS)” shall mean the system defined and regulated by the applicable laws on geo-spatial information.

40. “Public Meeting” shall mean an open and organized meeting, taking place in an appropriate space and within a reasonable notice time from the planning authority, which, through public notices invites citizens, experts and interested parties to submit observations, comments or suggestions on the draft-act concerning the planning, development or development control document, prior to the finalization of the planning, development or development control document, provided in this law by the relevant authority.

41. “National Territory” shall mean the geographical space, including land, underground, water, and airspace, limited by the state border of the Republic of Albania, according to the legislation in force;

42. “Local Territory” shall mean the geographical space, including land, underground, water, and airspace, that matches the administrative territorial divisions of the local government units, according to the legislation in force.

43. “Observation” shall mean the contesting opinion to the proposed solutions in the draft-act of the planning, development or development control document or a claim for non-compliance with legal or sub-legal provisions in the planning process.

44. “Area” shall mean a portion of the territory, with specific or common, existing or planned, properties or use, of land and buildings within it, according to land use regulations. The areas may or may not coincide with one or more structural units of the territory.

45. “Development” shall mean the territorial changes process through new constructions or changes in existing structures.

Article 4
Principles

Territorial planning shall be based on the following principles:

a) development shall be sustainable and guarantee the generations’ needs for social equity, economic development and environmental protection;

b) territorial development is a matter of national importance; it shall be fair and the value created shall be adopted and internalised by the society creating it;

c) planning should reconcile public, private, national and local interests;

ç) development should be guided by planning, which is mandatory for all planning authorities under this law;

d) principles and values contained within the planning documents should apply even after their change;

dh) transparency should accompany the planning and development control processes;

e) one-stop shop services;

ë) tacit conduct is approval;

f) planning should take into account the characteristics of the context of the developing territory;

g) decentralization and subsidiarity;

gj) harmonization with the European Union's approach in the field of territorial planning and development, as well as with environmental criteria, conservation of biodiversity and protected areas;

h) development should build on comprehensive planning and design, guaranteeing equal and fair conditions for all beings, regardless of their specific needs and characteristics;

i) planning and development should ensure the elimination of barriers for the safe, equitable and independent use of spaces by all persons, including those with disabilities or special groups, for which technical solutions or special equipment are needed;

j) hierarchy of plans;

k) distribution of development rights should be fair and based on the principle of proportionality;

l) compulsory insurance on buildings, civil and professional liability in construction;

ll) ensuring access and public participation in drafting planning and development control documents;

m) integrated planning system.

CHAPTER II

PLANNING

Section I

Territorial Planning Authorities and their Competences

Article 5
Relevant Authorities

The authorities in charge of territorial planning include:

1.1. At the central level:

a) Council of Ministers;

b) National Territorial Council;

c) line ministry responsible for territorial planning and development issues.

1.2. At the regional level:

a) the regional council.

1.3. At the municipality level:

a) the municipal council;

b) the mayor.

Article 6
Council of Ministers Competences

1. The Council of Ministers, in accordance with the provisions herein, is responsible for allocating financial means for:

a) drafting the Overall Territorial Plan;

b) drafting sectoral plans and detailed plans for areas of national importance;

c) detailing the General Territorial Plan through drafting of overall local plans;

ç) implementation of goals, objectives and action measures, as set out in sector plans and detailed plans for areas of national importance;

d) maintenance of integrated planning database - Territory Integrated Register.

2. The Council of Ministers shall:

a) adopt the National Overall Territorial Plan;

b) approve the regulation on planning, development, construction and regulation on the Territory Integrated Register, as well as other documents according to the provisions herein;

c) encourage the drafting of national and local planning documents by the relevant planning authorities;

ç) support the development of the necessary human and professional resources, at central and local level, for territorial planning, development control and administration of the Territory Integrated Register;

d) approve sub-legal acts, as provide in this Law.

3. The Council of Ministers shall, on an annual basis, get acquainted with the Monitoring Reports on the implementation of the goals and objectives included in the Overall Territorial Plan, the national sectoral plans and the detailed plans for areas of national importance, and take appropriate measures, as appropriate.

4. The Council of Ministers shall regularly coordinate and harmonise the sectoral policies and strategies of the relevant ministries.

5. The Council of Ministers shall co-ordinate the collection of reports on the strategic development of each sector, according to the competences of each ministry. These reports shall be submitted to the relevant ministry within 6 months from the starting of the process of drafting or reviewing the Overall Territorial Plan.

6. The Council of Ministers shall, by means of by-laws, provide:

a) the composition of the National Territorial Council and the remunerations for its members;

b) the rules for the organization and functioning of the National Territorial Planning Agency, its number of employees, their salaries and remuneration levels and, in accordance with the legislation in force.

Article 7
National Territorial Council Competences

The National Council of Territory shall:

a) adopt, adopt amendments, or postpone for subsequent review the planning documents required for approval by the planning authorities, as provided in this Law;

b) adopt the sectoral planning documents, as determined by specific laws, and having effects on the territory;

c) determine the national importance of an issue, area or object in the planning of the territory, and adopt the detailed plans for areas of national importance, when provided for by the Overall National Territorial Plan.

Article 8

Competences of the Line Ministries concerning planning and development

1. The Ministries, pursuant to the provisions herein, shall:

a) prepare the territorial planning and development policies;

b) draft the legal framework on territorial planning and development;

c) initiate and coordinate the work for the drafting of the Overall Territorial Plan, as well as its revision;

ç) initiate, as appropriate, and coordinate the work for drafting detailed plans concerning areas of national importance, as well as their revision;

d) coordinate the objectives of the central planning authorities in the Overall Territorial Plan and detailed plans for areas of national importance;

dh) conduct studies and assessments in the field of territorial planning and development. In conclusion, it shall submit to the Council of Ministers, for review and approval, actions for improving the relevant legal framework and the progress of the Overall Territorial Plan detailing;

e) draft the construction regulation upon proposals issued by other ministries concerning the construction regulations of their respective sectors;

ë) foster national and international cooperation in the field of territorial planning;

f) foster and promote initiatives and programs to improve the professional and technical skills of planning authorities.

2. All public institutions, at central and local level, shall assist the ministry with supporting documents of the various sectors, necessary for the preparation of the Overall Territorial Plan and detailed plans for areas of national importance.

3. In view of drafting the territorial planning documents, the ministry can raise donations from national and international institutions, in addition to the financial resources allocated by the Council of Ministers.

Article 9

Competences of the National Territorial Planning Agency

1. The National Territorial Planning Agency, in accordance with the provisions herein, shall:

a) coordinate the overall processes of drafting the territorial planning documents, undertaken by the planning authorities at the central and local level;

b) support horizontal coordination between national planning authorities during sectoral planning processes or in the process of drafting detailed plans for areas of national importance, with a view to harmonizing the approach on issues of national importance in different fields and sectors;

c) support vertical coordination between national and local planning authorities during planning processes at the local level, with a view to harmonizing the approach on issues of national and local importance in the field of territorial planning;

ç) propose to the Council of Ministers, through the minister in charge of territorial planning, the revision of acts or the drafting of new by-laws pursuant to this Law;

d) organize, manage and maintain the integrated database on territorial planning - the Territory Integrated Register - with all central and local level planning documents which are under adoption or have been adopted by the relevant authorities, as well as other additional data, relating to territorial planning and development;

f) check the compliance of acts published in the registry with the laws and the planning documents in force;

e) develop trainings for the public and private sector that conduct professional activities in the field of territorial planning, for the implementation of this law and respective by-laws;

ë) foster national and international cooperation in the field of territorial planning;

f) provide information to the public about the territorial planning processes;

g) encourage and ensure that public participation is guaranteed during the process of drafting and implementing planning documents.

2. NTPA shall ensure that the drafting of the territorial planning and development control documents, at the central and local level, is in line with the provisions herein, by providing technical assistance to the authorities responsible for territorial planning through:

a) providing basic electronic data and technical norms on territorial planning to be employed during the designing of the planning documents at national and local level;

b) developing trainings on the use of basic electronic data and technical territorial planning norms before work for the planning documents is started;

c) coordinating the assessment of the compatibility of planning documents under consideration with the Overall National Plan and other national plans, based on the principle of planning documents hierarchy, as well as their checking them against with basic electronic data and technical planning norms. Further on, through official communication, shall notify the relevant authority on the:

i) compliance of the planning documents and its delivery for approval to the TNC;

ii) request for amendments to the planning document;

iii) compliance of the amended and completed planning documents and its delivery for approval to the TNC;

ç) preparation and publication of the methodological manuals on territorial planning;

d) drafting and distribution of technical standards of administration of the Territory Integrated Register, as defined by this Law;

dh) direct support to planning authorities on the modalities of registering and administering the data in the registry independently;

e) developing trainings to improve their professional and technical skills through training and direct assistance.

3. NTPA shall prepare:

a) Studies on the Integrated Planning System in the Republic of Albania, and propose to the NCT and the Council of Ministers, through the Minister responsible for territorial planning, the necessary actions for the sustainable development of the territory;

b) Monitoring Reports on the Implementation of Goals and Objectives stated in the Overall Territorial Plan and detailed plans on the areas of national importance, on an annual basis;

c) proposals to the Minister in charge of territorial planning, to undertake planning processes or other necessary actions;

ç) proposals for the National Territorial Council to determine the national importance of an issue, area or facility.

4. NTPA shall perform the functions of the secretariat of the National Territory Council. In this framework, it shall:

a) organize NCT meetings;

b) prepare the documentation discussed therein; and

c) administer the documentation.

5. NTPA shall assume other responsibilities, explicitly provided for in this Law and in other laws and by-laws.

Article 10
Competences of other Ministries

1. Ministries are responsible for:

a) drafting national planning documents for their respective sectors;

b) proposing constructions regulations, or chapters related to their areas of competence, to ensure the safety and quality of life and public health;

c) taking measures for the implementation of national planning and development documents;

ç) providing support for the drafting of local planning documents by the relevant authorities and assist them meet the standards set out in this Law and other laws, providing guidance on issues related to their areas of competence;

d) conducting inspections on territorial developments related to their areas of competence, and take preventive and punitive measures;

dh) independently registering and managing the integrated territory register, the acts and draft-acts falling under their competence, according to the provisions herein;

e) cooperating with the planning authorities on each level, according to the provisions herein, and reporting regularly according to the hierarchy;

ë) informing the public on the entire planning process and developments in their areas of competence, and ensuring transparency through the registry and other forms of traditional sources;

f) drafting each sector's strategic development reports according to their areas of competence, which are submitted to the ministry responsible for territorial planning through the Council of Ministers, within 6 months from the beginning of the drafting or review process of the Overall Territorial Plan.

g) preparing, on an annual basis, Monitoring Reports on the Implementation of Purposes and Objectives stated in the Overall Territorial Plan and the detailed plans for areas of national importance for their areas of competence and submit them to NTPA;

2. For the purposes of par 1 of this Article, line ministries and other central public bodies, shall ensure and develop the necessary human and professional resources for territorial planning, development control, land and environmental management and the administration of the registry.

Article 11
Competences of the Regional Council

1. The Regional Council is responsible for coordinating planning processes at the regional level.

2. The Regional Council shall, as appropriate, approve the initiative and sectoral planning documents of the region.

Article 12
Competences of the Municipal Councils

1. The Municipal Councils, in accordance with the provisions herein, shall adopt the financial resources allocated by the municipality for the implementation of this Law.

2. The municipal councils shall:

a) adopt the initiatives on drafting or reviewing the local planning documents;

b) adopt the local planning documents;

c) monitor and supervise the implementation of the overall local plans and sectoral plans at the local level;

ç) monitor compliance with the laws on public participation and review the local development planning and control documents during their drafting process;

d) return the detailed local plans for review to the mayor, in case the latter finds non-compliance with the legal requirements.

dh) review, on an annual basis, the Monitoring Reports on the Implementation of Goals and Objectives stated in the planning documents at the local level.

Article 13
Competences of the Mayors

1. The Mayors, in accordance with the provisions herein, shall:

a) ensure the development of the local territory through the drafting and implementation of territorial planning documents;

b) undertake initiatives for drafting and reviewing the local planning documents;

c) draft or review the territorial planning documents in full compliance with the Overall National Plan and, as appropriate, in accordance with sectoral plans and detailed plans for areas of national importance, and complying with technical planning norms territory;

ç) coordinate work between public institutions and the allocation of human resources necessary for drafting planning documents at the local level;

d) submit and introduce the general local plans to the NTPA to verify compliance with the Overall National Plan and the technical planning norms;

dh) adopt detailed local plans.

2. All public institutions, at the central and local level, shall assist the local authorities responsible for planning and administering the territory of the municipality, with supporting documentation on the various sectors, necessary for the preparation of the local planning documents.

Article 14
Professional contributions to planning

1. Each local government unit shall designate the bodies responsible for carrying out planning and territorial development activities under the legislation in force and the provisions herein.

2. Local government authorities shall ensure that, for the performance of functions defined in this Law, they have in place qualified and experienced professionals in the relevant fields. The minimum number of professionals to be provided by each local government unit shall be determined by the Council of Ministers, based on the number of local government units and in any case, not less than 6 persons.

3. Academic trainings of professionals on each of the four areas mentioned in par 2 of this Article, are as follows:

a) for territorial planning: urban, spatial and territorial planning and management, town planning or urban design and other equivalent study areas, according to the legislation on education;

b) for development control: the fields according to comma "a" of this par, legal, architecture, construction engineering, topo-geodesy;

c) environmental protection: urban environment management, environmental and agro-environmental engineering, environmental studies, architecture and landscape design, geology, forestry engineering;

ç) for the administration of the registry: "GIS" and "topo-geodesy" or, in the absence thereof, urban planning, territory, urban planning, urban design, construction engineering or architecture with training and experience in GIS or topo-geodesy.

4. Should they fail to meet the requirements under paragraphs 2 and 3 of this article, local government units shall exercise their competencies concerning planning and controlling the development of the territory through delegation, in accordance with local government legislation.

5. Local planning authorities shall exercise their competences all over their administrative territory.

Section II

Planning Documents

Article 15
Planning documents by governance level

1. In the Republic of Albania there are two levels of territorial planning:

1.1 Planning at the central level, which is carried out through the following planning documents:

1.1.1 The Overall National Territorial Plan, for the entire territory of the Republic of Albania.

1.1.2 Sectoral national plans for all or part of the territory.

1.1.3 Detailed plans for areas of national importance.

1.2 Planning at the local level, which is carried out through the planning documents as follows:

1.2.1 Sectoral plans at the regional level.

1.2.2 Overall Local Plans.

1.2.3 Detailed local plans.

2. The final goal of the planning documents is to integrate all-levels planning documents, in order to build an integrated territorial planning system for their inter-connection, integration, reconciliation and harmonization.

3. The Council of Ministers shall, through a sub-legal act, determine the content, structure and procedure for drafting, implementing/detailing and monitoring the implementation of the plans.

Article 16
Overall National Plan

1. The Overall National Plan defines the mandatory reference framework for all plans drafted in the Republic of Albania.

2. The objectives of the Overall National Territorial Plan are:

a) determining the principles and directions for a sustainable and balanced territorial development;

b) creating territorial conditions for regional development;

c) guiding the creation and development of a national public infrastructure;

ç) creating the necessary conditions for the preservation of ecosystems, biodiversity, surface and underground natural resources and the natural and cultural heritage, balancing the effects of housing systems and economic activities and protection and development of green areas of other cultivable areas;

d) setting the direction of regional, inter-municipal and local planning objectives;

dh) coordinating work, reconciling and providing directives for the sectoral development objectives with territorial effect;

e) ensuring compatibility with the directives and guidelines of the European perspective for spatial development document.

3. NTPA shall, on its own motion or upon the request of a line ministry or other central or local body, undertake initiatives and proposes for adoption to the TCC, issues, areas or objects of national importance in planning. The detailed procedures for these initiatives are set out in the planning regulation.

Article 17
National Sectoral Plans

The national sectoral plans are drafted by the line ministries, with a view to strategic development of one or more sectors, according to the respective areas of competence, such as national security, energy, industry, transport, infrastructure, tourism, economic zones, education, sport, cultural and natural heritage, health, agriculture and water.

Article 18
Detailed plans concerning areas of national importance

1. The detailed plans concerning areas of national importance, are drawn up in accordance with the national management planning documents, with a view to their protection, preservation and sustainable development.

2. The initiatives for the development of detailed plans concerning areas of national importance, are taken by the line Ministries in charge of the relevant issues of national importance, pursuant to the respective decisions of the TCC and according to Article 16(3) herein.

3. The detailed plans for the areas of national importance are drafted by the minister responsible for the issues of national importance and is approved by the TCC.

4. TCC shall adopt decisions regarding the approval of the detailed plans within 90 days from the date of submission for review of the complete documentation.

5. The structures, forms, as well as the processes related to the initiatives, the design and adoption of the detailed plans for the areas of national importance, are defined in the development regulation.

6. The development permit for works in areas of national importance, for which detailed plans are drafted, shall be provided by the TCC on the basis of these plans.

Article 19

Sectoral plans at the regional level

Sectoral plans at the regional level shall determine the strategic development of different sectors within the regional administrative territory. Plans shall aim at:

a) coordinating work, at each respective territory, for the programs and designation of the national planning documents to the municipal ones;

b) balancing national and local needs and interests for developments at the county level;

c) creating the conditions for territorial sustainable development, in line with the principles adopted by this Law;

ç) establishing mandatory strategic developments and platforms of territorial development for the relevant governance units and the overall local plans of the basic level of local government;

d) strategic definitions for the regulation of land use according to the natural, agricultural and urban systems of the territory;

dh) planning of programs and measures to ensure the protection of the environment, the sustainable development of natural resources, cultivable land, landscapes and green spaces;

e) setting the locations and programs for public infrastructure and public servitudes, according to the legislation in force;

ë) regulating the conservation, use and, where appropriate, the appropriate treatment of protected natural and historical areas, in accordance with the requirements of the legislation in force.

Article 20

Overall local plans

1. The objectives of the Overall Local Plans (OLP) are:

a) balancing national and local needs and interests for developments in the territory;

b) creating the conditions for territorial sustainable development, in line with the principles adopted by this Law;

c) setting the direction for the development of residential systems and other building systems;

ç) regulating land use and the intensity and extent of construction in the natural, agricultural and urban systems of the territory;

d) planning of programs and measures to ensure urban regeneration, environmental protection and sustainable development of natural resources, cultivable land, landscapes and green spaces;

dh) setting the locations and programs for public infrastructure and public servitudes, according to this Law;

e) regulating the conservation, use and, where appropriate, the appropriate treatment of protected natural and historical areas, in accordance with the requirements of the legislation in force;

2. The Overall Local Plans are implemented through sectoral plans, detailed local plans and development permits.

Article 21

Sectoral plans at the municipality level

The sectoral plans at the municipality level shall be drafted in pursuance of the overall local plans and determine the strategic development of the various sectors within the municipalities' administrative territory.

Article 22

Detailed Local Plans

1. The Local Planning Authority shall determine, within the overall territorial plan, the areas that will be included in the detailed local plans, based on the criteria set out in the planning regulation.

2. Detailed local plans shall be drafted follow to public or private initiative in areas that constitute:

a) structural units;

b) several structural units together;

c) any priority development zone, designated as such in the overall local territorial plan.

3. The detailed local plans shall aim at the:

a) development and/or redevelopment of an area;

b) regeneration/renewal of areas predominantly urban;

c) construction of public infrastructure.

4. The detailed local plans shall aim at the subdivision and/or unification for development purposes.

5. The private initiatives should be supported by owners who own, not less than 51 per cent of the surface of the development area, for which a detailed domestic plan shall be proposed.

6. The mayors shall adopt decisions on the approval of the detailed local plans within 45 days from the date of submission for review of the complete final documentation and upon informing the interested parties, through one or more traditional means of information and, holding public meetings with them if required.

7. Mayors decide to adopt the detailed local plans based on the technical reports prepared by the responsible structures in the local planning authority and published in the Territorial Planning Registry, save the inhabitants owning more than one third of the surface of the respective area of development do not object the above.

8. In the event of objections, as above, the heads of the local government units shall organize public meetings with the interested parties, to examine their remarks or proposals and evaluate their inclusion in the detailed local plans.

9. By the end of the process, the heads of the local government units shall adopt the plans, providing notices on the acceptance or rejection of the submitted proposals and observations.

10. The council of the respective local government unit shall monitor the process of approving the DLPs and guarantee the observance of the legal procedures for their adoption. In case deficiencies or violations are detected, the council shall return the DLPs for reconsideration by the heads of the local government units, within 60 days of its approval.

11. Prior to the above decision-making, the councils may arrange one or more public meetings with the stakeholders.

12. The detailed domestic plans are registered, by private initiative, in the immovable property register, as the basis for conducting transactions with the properties. New parcels created by subdivision and/or merging of existing parcels, are subject to transactions only upon being registered in the immovable property register managed by the respective public authority.

13. The structure, forms, constituent parts of the content, the process for the initiative, information and mandatory public meetings, the drafting and approval of the detailed local plan, the criteria for defining the boundaries of the area treated with detailed local plan and other conditions are defined in planning regulation.

14. The process of preparing the detailed local plans documents shall include ex-ante feasibility studies, where development benefits ratios shall also be determined in a fair and proportionate manner in relation to the respective contribution to development. Benefits, contributions and costs are financial and material assets that include the right to development and increased land value as a result of planning or public investments.

15. The planning authorities shall benefit from the right to development and increased land value is used to build or finance public infrastructure, mainly in the area whereby they are acquired.

16. The method for determining the value of the right to development and increased land value, shall be determined by a decision of the Council of Ministers.

Section III

Public Cooperation, Consultation and Review of the Planning Documents

Article 23
Coordination

1. The authorities in charge of drafting the planning documents, shall ensure dialogue, co-operation and horizontal and vertical coordination, with all planning authorities and stakeholders, prior to and during the drafting the local planning documents.

2. The authorities responsible for drafting the planning documents shall regularly consult with NTPA and interested parties and inform them on a monthly basis on the progress of the process.

3. NTPA shall examine the compatibility of the planning documents' draft-act with the applicable legal and sub-legal provisions in the area of territorial planning, as well as the planning documents in force. At the conclusion of the examination, NTPA shall submit to the responsible authorities the relevant conclusions and proposals for addressing the shortcomings.

4. The Council of Ministers shall, via by-laws, determine the procedures and deadlines for conducting the co-ordination.

Article 24
Public consultation and meetings

1. The authorities in charge of drafting the planning documents, shall organize one or more public hearings and consultations prior to any decision-making related to the planning documents at the central level and the overall local plans and, shall repeat them, as appropriate, in view of fully informing the stakeholders and settling possible conflicts.

2. The relevant planning authorities shall notify the public and the interested parties on the place, date and time of each public meetings and make available the drafts of planning documents at least 30 days prior to the meetings. The announcements are made through the publication of the information in the registry and in the two newspapers with the largest circulation or other media.

3. Interested parties shall, within the period from the date of notification and pursuant to par. 2 of this Article, until the designated date of the public meeting, have access to the information related to the planning documents, including the summaries on the co-ordination carried out pursuant to Article 23 herein, and to the observations, proposals and conclusions reached during this process. Their access is provided in advance, in sufficient time and effectively through the registry and one or more traditional means of information.

4. The summaries of the observations and proposals during the public meetings shall be attached to the project planning documents submitted for approval and shall be conjointly communicated through the publication in the registry and on one or more traditional means of information.

5. In support of the observations and proposals received, the relevant authorities in charge of drafting the planning documents, shall make the necessary changes to the draft-acts or provide substantiated reasons for failing to include such changes. The draft-acts, together with the changes or the arguments against, shall be forwarded for approval to the relevant authorities/bodies, within 30 days from the date of the public meetings.

6. Whenever the planning documents' projects are reviewed by the relevant authorities, follow to the observations and proposals provided during the public meetings, the planning authority shall, regarding substantive issues of its content, organize additional public meetings, in accordance with the foregoing provisions of this Article.

7. Physical or legal entities located in the planning areas or having information or data shall, whenever required and, to the extent they are able to do so, provide the planning authorities or any other person authorized, without any reward, data they possess, which may be needed during the drafting process of the national planning documents. The planning authorities or the authorized persons shall ensure the retention and administration of the information received during the drafting process of the national planning documents and make this information available to the public.

Article 25
Adoption of planning documents

1. The authorities responsible for the adoption of the planning documents at each level, shall approve the relevant draft-acts or return them for review to the proposing authorities, accompanied by the reasons for the disapproval whenever:

a) no coordination, consultation or public meetings have been conducted or other mandatory planning procedures have been observed, as defined by this Law; and/or

b) the draft-acts are inconsistent with the planning documents or with the legislation in force.

2. In such cases, the proposing authorities shall, in cooperation with the NTPA, conduct the due process of reviewing the draft-acts.

3. Upon completion of the reviews, the planning documents' draft-acts are sent to the approving authorities for adoption.

4. The relevant authorities in charge of final approval shall, no later than 15 days from the approval, publish in the Territorial Planning Registry and send it to the Central Technical Building Archives and planning authorities a copy of the planning documents approved, jointly with the decisions of their approval.

5. The amendments or revocation of the planning documents shall be made under the same procedure as defined in this Law and the respective by-laws.

Article 26
Revision of plans

1. The overall plans are subject to amendments, where appropriate, according to par. 2 of this Article and, in any case, subject to a full review every 15 years. The process for their full review shall begin 2 years prior to the end of the above-mentioned deadlines, under the same procedure followed for their adoption.

2. Plans shall also be altered whenever administrative and territorial divisions, unforeseen demographic, social and economic changes, or changes caused by sectoral or major force crisis occur, and whenever there is a need for harmonization with documents of a higher planning level or changes in the legal framework in the field of defence and territorial management, and for reasons of approximation with European Union legislation.

3. The Council of Ministers, by means of by-laws, may adopt, in specific cases, simplified procedures for the amendments of plans.

CHAPTER III

DEVELOPMENT

Section I

Relevant Authorities related to Territorial Development

Article 27
Relevant Authorities

The authorities in charge of territorial development include:

1. The National Territorial Council.
2. The mayors.

Article 28
Competences of NTC

1. NTC is the authority responsible for decision-making on development permits and building permits for complex development types as defined in the development

regulations and those related to issues, areas, objects of national importance or strategic investments for the interests of the country.

2. The issuance of the utilisation certificate for construction permits, adopted in accordance with par. 1 of this Article, shall be carried out at the end of a coordinated process of control of construction compliance between the central authorities involved, within the area of competence, and the local authorities responsible for the controls on construction works in the administrative territory where development is carried out.

3. Detailed procedures for reviewing and approving the requirements for development and/or construction permits, pursuant to par 1 of this Article, and the issue of the relevant use certificate shall be set out in the development regulations.

Article 29
Mayors Competences

Mayors shall:

a) adopt decisions regarding applications for development permits and building permits in the administrative territory of the municipality;

b) assess compliance with the legal requirements of the works performed on the basis of the preliminary declaration for the performance of works;

c) issue utilisation certificates, in accordance with Article 42 herein, for construction permits approved by them.

Section II

Instruments for Development Leadership

Article 30
The intensity of conditioned construction

1. The intensity of conditional constructions is the territorial development instrument that aims at providing contributions to the financing of capital investments in public infrastructure and services, including social housing programs, in areas provided in the overall local plans. These contributions are granted by the building permits applicants, in exchange for increasing the intensity of construction, in agreement with the local authorities.

2. The intensity of conditioned constructions is implemented by local planning authorities, through relevant programs, in accordance with the definitions of the overall local plans.

3. The development regulations define the criteria for the intensity programs with construction conditions and the method of calculating the intensity value.

Article 31
Transfer of the right to development

1. The assignment of the right to development between the structural units is carried out, as appropriate, by the local planning authorities, with a view to preserving cultural monuments and historic sites, agricultural and natural land.

2. This transfer shall take place through programs drawn up by the local planning authorities, in accordance with the overall local plans and by agreements between the local authorities and the landowners involved in the programs.

3. The terms and procedures for determining the monetary value of development rights and their transfer are governed by the development regulations.

Article 32
Compulsory land development

1. Whenever one or several owners disagree with the content of the detailed local plans, the local planning authorities shall negotiate with them in view of reaching agreements.

2. In case the agreements, according to par. 1 of this Article, are not achieved, the local planning authorities shall act as follows:

a) redistribute the development rights set out in the overall local plans from the parcels of these landowners to neighbouring parcels and/or other structural units;

b) refrain from redistributing the development rights, but impose a non-development tax, which applies until these owners enter into development agreements, as defined by the general local plans;

c) expropriate these owners, in case the detailed domestic plans are public initiatives and/or the reluctance of the owners to reach agreements violate the public interest;

ç) for detailed local plans, upon private initiatives, the provisions of comma "a" and "b" of this par. shall apply whenever the landowners not agreeing with the plans own up to 1/3 of the surface of the area that is the target of the detailed local plans.

3. The methodology for defining the value of the non-development tax and redistribution of development rights shall be governed by the development regulations.

Article 33
Development suspension

1. In cases where an initiative for drafting a planning document has been taken, the planning authority may decide to suspend development, with the purpose of maintaining planning for the planning area.

2. Development suspension has the effect of temporarily stopping the development or postponing the examination of development and construction requests throughout the territory or part of it for one, several or any type of development.

3. Development suspension is used, in proportion to the circumstances that dictate it, only when it turns out that other instruments in effect would not provide suitable solutions. Development suspension does not apply to:

a) developments for which building permits have been approved, formally or with tacit approval, before the decision to suspend developments;

b) maintenance works;

c) public and state development of local or national interest.

4. The decision to suspend development shall determine the reasons for the use of this instrument, the territory or parts thereof involved, the types of permits or related matters, the suspension of which is suspended, the buildings which cannot be demolished, the deadline and the degree or suspension level, according to the type of development. In the case of developments with a declaration of works' performance, the decision to

suspend development shall determine the limitation or prohibition of major or fundamental changes, resulting in an increase in the value of the existing constructions.

5. Development suspension may be set for a period of up to 12 months and may be extended for another 6 months for reasonable reasons. The decision to suspend development is automatically terminated upon the expiration of this period.

6. Development suspension shall end prior to the deadline set for all the territory or parts thereof involved, whenever the conditions required for its approval cease to exist. In any case, it shall end on the date when the planning documents enters into force.

7. The planning authorities may decide to change the decisions to suspend the development, according to the aforementioned definitions of this article.

Article 34
Public servitude

1. Public servitude is the burden on a property for the benefit of another property in the public interest. It does not preclude the use of immovable property or part of it that does not hinder the realization of public servitude.

2. Public servitudes can be determined by the local or national planning documents or dictated by a construction request. Whenever servitudes are based on a planning document in force, they shall be included in the construction requests.

3. Every public servitude, imposed on certain parcels, shall be transferred to the new parcels created at the same physical location, as a result of a subdivision process and/or merger of parcels for development purposes. The public servitudes remain in force in the event that the acts creating them do not set deadlines.

4. The rights and obligations on the public servitude are those defined in the Civil Code and the legislation in force on the matter.

Article 35
Right to transfer

1. The Council of Ministers has the right to decide on the transfer of public immovable property owned by local government units to the benefit of the state for the realization of public or private investments in national public infrastructure, in accordance with the planning documents in force.

2. Property transfer acts from the local government units to the benefit of the state, are carried out against the payment of the real value of land and/or constructions in it, under market conditions at the time of transfer of ownership.

3. The local government units shall be notified by the responsible line ministry at least 60 days before the proposal for taking the decision under par. 1 of this Article.

4. Determining the value or ways of compensation shall be consulted between the national and local authorities involved in the process and, in case of disagreement, the amount of compensation shall be determined by the court. Lawsuits and the legal proceedings do not constitute grounds for the termination or suspension of the transfer of ownership to the benefit of the state.

5. The amount of compensation for the transferred property is paid within 6 months from the date of the decision. Changes to the immovable property register are performed only upon payment of the compensation value.

Article 36
Right to preference

1. The right to preference is the right to the benefit of a planning authority, within the meaning provided herein, to acquire priority in relation to any other private person in the purchase, under the same conditions, of a private property, which is the scope of sale and, is located in a crucial area for the realization or protection of a public interest.

2. The right to preference is exercised by the planning authorities for the realization of public interest, for immovable properties, private ownership or parts thereof, according to the areas designated for this purpose in the planning documents in force. This right cannot be exercised:

a) for the purchase of immovable property, which is governed by the legal framework for joint ownership;

b) when the owner sells immovable property to their spouse, children, children of children or parents;

c) when the immovable property is in the process of being purchased by a public institution or for its account;

ç) for immovable properties for which the request for construction permit is received, which are under review until the date of approval of the area of exercise of the right of preference.

3. Property acquired through the exercise of the right to preference shall be used only for the concrete public interest for which it is selected. If the planning authorities decide to sell the property purchased by preference within five years from the date of purchase, they shall notify their former owners or their heirs if they have an interest in repurchasing that asset.

4. The detailed procedure through which the right of preference may be exercised shall be determined in the development regulations.

Section III

Development Conditions and Development Control Documents

Article 37
Development Conditions

Development shall be permitted only under the conditions set out in the planning documents or, in their absence, approved by the competent body, which serve as a basis for drafting the documentation accompanying the application for a construction permit.

Article 38
Development Permits

1. The development permit is the document issued by the responsible authority defining the development conditions for a particular property.

2. Development permits are required for each parcel and shall be provided upon approval of the detailed local plans. In the case of parcels, for which a detailed local plan is not foreseen, the development permit is issued with the approval of the overall local plan.

Article 39
Construction/Building Permits

1. Construction permits shall be required for any construction, repair, restoration or demolition of existing facilities, installation or erection of temporary constructions, except for the cases provided by Article 41 herein.

2. The construction permits' documents shall describe all the conditions for carrying out construction works, in accordance with the accompanying documentation of the application and the norms and standards set forth in this Law and the respective by-laws.

3. The beneficiary of the construction permit, the owner of the building, the entrepreneur, the supervisor and the importer of works are jointly liable according to Article 52 "e" and "ë" herein, for carrying out works in accordance with this law, legal framework governing the construction activity in the Republic of Albania, planning documents in force, and the terms and conditions of the construction permit.

4. Construction permits approved in violation of the law and planning documents in force are absolutely invalid.

Article 40
Building permits terms

1. Works shall start no later than 1 year from the date of approval of the construction permit.

2. The term for completing works shall be determined on the basis of the calendar of works approved by the planning authorities.

3. The extension of the term of completion of the works shall be done by the authority approving the permit, on the basis of a reasoned request of the person provided with a construction permit. The extension of the term of completion of works is done only once, for a period not longer than the initial term specified in the construction permit, on the basis of a request submitted within the validity period of the permit and, in any case, no more later than 45 days before the expiration of the permit. The request for extension of the term shall include the reasons for which it was not possible to complete the works within the given term and is accompanied by a new schedule of works and proof of payment of a fine for a breach of deadline, according to Article 52 herein.

4. The request for extension of the works is deemed to be approved tacitly if the planning authority fails to notify the concerned decision to the requesting subject within the 45-day period from the filing date of the request.

5. For the completion of unfinished works within the set term, it is mandatory to obtain a new construction permit, unless the works can be performed with a statement of maintenance works or when it is required to extend the term for completion of works on the construction permit, according to point 3 of this article.

6. For works initiated for more than ten years and still unfinished, according to the approved project, the authority responsible for approving the construction permit determines the mode of compulsory construction or decides the demolition or seizure of the building.

Article 41

Preliminary statement for the completion of works

1. The development regulations define the list of constructions, installations and works that, due to non-essential interventions with the facility, the temporary nature of installations or the regulation of development control by another permit or authorization or separate sectoral legislation, do not require the provision with a construction permits and are subject to a preliminary declaration of performance works.

2. In the designated cases, according to point 1 of this article, the written statement deposited with the responsible development control authority, in conjunction with the work project, drafted and signed under the responsibility of licensed professionals, is the only sufficient starting document of construction works.

3. The responsible authority may object to the preliminary statement for the performance of the works by a reasoned decision if it finds that the conditions and legal requirements governing the preliminary statement of works are not respected.

Article 42

Utilisation Certificate

1. At the end of the development process, the planning authority shall issue the building utilisation certificate that certifies the completion of the works in accordance with the terms of the construction permit, as well as the implementation of the planning and development control documentation criteria.

2. In all cases, the entity carrying out the works issues a statement that the facility is constructed in accordance with the project and the applicable technical conditions. The cases of implementation and the content of the declaration of conformity are set out in the development regulation.

3. The utilisation certificate is issued only when the control acts certify the execution of the works, in accordance with the permit conditions or preliminary statement for performance of works, according to the phases and criteria set forth in the legislation on construction works, in development regulation and environmental legislation.

4. If discrepancy of the works being carried out is found with the requirements according to point 3, the planning authorities shall issue acts of finding the non-compliance, while providing suggestions and the time period and, if this time period is not observed, sanctions for ensuring compatibility from the developer.

5. The utilisation certificate shall be examined and awarded according to the procedures and deadlines set out in the legislation on the discipline of construction works. In case no decision has been made within the established deadlines and the person performing the works has fulfilled all administrative acts provided for in the legislation on construction works without violation, the utilisation certificate shall be considered to be approved tacitly.

6. The tacit approval of the certificate of use shall not apply when:

a) acts of control of works held by the relevant authorities have identified violations of the conditions of the approved permit;

b) a utilisation certificate is required for high risk work.

7. Works carried as herein provided, shall be registered, pursuant to the law, in immovable property registers, on the basis of a certificate of use, issued in accordance with the provisions of this law or approved tacitly. In the case of tacit approval, the works carried out shall be recorded on the basis of the request of the subject for the certificate

of use, the second copy of the inspection document and the administrative acts provided for in the legislation on construction works.

8. In the case of permits covering a construction group, the utilisation certificate may be issued separately for each construction undertaking, according to the completion stages of the works specified in the construction permit. The utilisation certificate for the last construction shall be issued only upon completion of all the infrastructure required by the respective building permit has been completed.

9. Simultaneously with the conclusion of the contract for the transfer of ownership over the works, the builder shall submit to the purchaser a ten-year insurance policy with the buyer(s) and with effect from the date of completion of the works covering the damages to the building, including damages to third parties that derive when, due to land or construction defects, the construction collapses in whole or in part or poses a significant risk of demolition or other serious defects occurring after the conclusion of the ownership transfer contract.

Section IV

Development Control Process

Article 43
Application for building permits

1. The application for a construction permit shall be carried out through the Territory Integrated Register portal.

2. The application for construction permits shall contain a detailed description of the works to be carried out and shall be accompanied by complete construction documentation, including detailed projects, drafted and signed under the responsibility of licensed experts.

3. The development regulation will detail the content of the application form and the complete list of documentation that must accompany the application.

Article 44
Examination of the building permit request

1. The relevant authority, according to Article 27 herein, shall examine the application for the construction permits under the one-stop-shop principle, coordinating the work with all the specialized public authorities that should have their say in relation to the application.

2. The relevant authorities shall decide on the construction permits within 60 days from the submission of the application for a construction permit. The development regulation may specify shorter deadlines or differentiated procedures for issuing construction permits, for low impact work on land, or strategic investment for the country.

3. If the responsible authority fails to make decisions within the above deadline and the responsible planning structure at the local authority has not given any negative opinion regarding the request, the construction permit shall be considered as being awarded tacitly. Tacit approval does not apply to construction permits that are within the competence of the TCC, as well as for other works, including those with high risk, as defined by the development regulation or are specifically regulated by the applicable legislation.

4. In case of refusal of a request for construction permit or refusal of a preliminary statement for the execution of works, the decision shall be reasoned.

Article 45
Infrastructure related conditions

1. Before the construction permit is issued, it is mandatory that the main and secondary infrastructure exists in the area where development is proposed.

2. Secondary infrastructure may also be funded and carried out by the entity seeking to obtain a construction permit after having concluded an agreement with the responsible authority specifying the terms and conditions of the financing and execution.

Article 46
New buildings tax of impact on infrastructure

1. The infrastructure impact tax from new constructions applies to new developments that, according to this law, require a construction permit and is calculated according to the legislation on the local tax system.

2. The infrastructure impact tax from new constructions is paid prior to the submission of the construction permit document by the planning authority being responsible.

3. The local planning authority does not pay the infrastructure impact tax from new construction for its own developments with public funds.

Article 47
Handover of building permits

1. The construction permits' documents shall be issued to the applicant by the responsible authority no later than:

a) 15 days from the date of the decision on the approval of the construction permit by the mayor;

b) 30 days from the date of the decision on the approval of the construction permit by the National Territory Council.

2. Delivery of construction permits shall be preceded by the performance and delivery of compulsory insurance coverage for civil and professional liability arising from failure to observe legislation and planning documents in force. Responsibilities that are subject to compulsory insurance in the field of construction shall be detailed in the development regulations.

Article 48
Revision of permit conditions

1. The other conditions of the construction permit and the implementation project may be revised if during the construction works there are unforeseen economic and technical situations that make it impossible to realize the project approved with the construction permit.

2. The review shall be carried out by the authority that has approved the permit, upon the reasoned request of the subject with a construction permit, accompanied by the relevant report, signed by the designer and supervisor of the works.

3. The other permit conditions and the procedure for their revision, according to the definitions of this Article, shall be carried out according to the development regulations.

Article 49
Development stimuli

Depending on the type and volume of investments, national or national development priorities or the implementation of previous construction permits in the manner and time period being set out, local authorities may provide for accelerated procedures or development incentives for investors or certain applications.

CHAPTER IV

OBSERVATION, INSPECTION, CONTRAVENTIONS AND PENALTIES

Article 50
Observation of developments in the territory

1. Each planning authority, in accordance with its sphere of jurisdiction and responsibilities, shall conduct surveys on developments in the territory with a view to studying and evaluating such developments, forecasting risks or trends, preventing harmful developments or undertaking policies, the adoption of documents or the performance of appropriate actions to ensure a sustainable development of the territory.

2. Planning authorities shall cooperate and co-ordinate actions between them and interact and exchange information and data.

3. Each planning authority shall prepare and publish in the registry and according to traditional means of information, by the end of March of each year, the annual reports on developments in its administrative territory during the previous years.

4. Based on the reports of other authorities and the observations made by the NTPA, the NTPA shall prepare and publish in the registry and in the traditional means of information, by the end of June of each year, the national reports on the developments in the territory during the previous years.

5. The Council of Ministers shall define the unified structure of the reports referred to in the above-mentioned paragraphs of this Article.

Article 51
Inspections

1. The mission of the inspection shall be to guarantee and protect the national interest for a fair and sustainable development of the territory through the prevention of illegal works and constructions as provided for herein, and the acts issued for its implementation, as well as the punishment of the offenders, who violate the provisions of this Law.

2. The inspection for the verification of compliance with legal requirements, according to this law, shall be carried out in accordance with this Law, the by-laws issued

for its implementation and the legislation applicable to the inspection of construction in the Republic of Albania.

3. Inspection authorities shall interact and coordinate the inspection operations between them, as well as with the planning authorities, in order to increase the effectiveness of the inspection. When made aware of the facts, although they may not be within its sphere of jurisdiction and responsibilities, any inspection authority shall immediately notify the other responsible or interested authorities.

4. Acts issued by inspection authorities during their activity or appeal, shall be published in the registry and in the traditional means of information.

5. The summarized data and conclusions of the inspection activity shall be included in the annual reports on territorial development.

Article 52
Administrative contraventions

1. For the purposes of this Law, the following violations shall, regardless whether they constituted a criminal offence, constitute an administrative offence and are punishable as follows:

a) Failure to organise the public meeting and consultation pursuant to Article 24 herein shall be subject to fines from 50 000 ALL up to 100 000 ALL;

b) the violation of the terms of publication in the registry of acts and draft-acts which publication is mandatory under this Law, is punishable by a fine from ALL 50 000 to ALL 100 000;

c) the approval of the construction permit and the issuance of the certificate of use contrary to this law or the planning documents in force shall be punished by a fine from ALL 1 000 000 to ALL 3 000 000. Omissions lacking any legal reference bearing the consequence of tacit approval at variance with the law shall be punishable by a fine from ALL 1 000 000 to ALL 5 000 000;

ç) Failure to comply with the deadline for submitting a permit document, pursuant to Article 47 herein, shall be punishable by a fine ranging from ALL 300,000 to ALL 500,000.

d) failure to declare works exempted from the obligation to provide a permit, pursuant to Article 41 herein, shall be fined from ALL 50 000 to ALL 150 000;

dh) violation of the timing for starting or completion of the works, pursuant to Article 40 herein, shall be fined from ALL 100 000 to ALL 500 000;

e) the performance of illegal works is punished by a fine equal to the value of the works carried out without permission, but, in any case, not less than ALL 500 000, and with the destruction or confiscation of the works carried out to the benefit of the public interest.

ë) completion of project changes or works in violation of permit conditions:

i) without consequences in the creation of surface and building volume additions, is punished by a fine equal to the value of the works carried out without permission, but in any case, not less than ALL 300,000, the suspension of the works and to the extent determined in the conclusion of the procedure referred to in par. 3 and 4 of this Article;

ii) with consequences in the creation of additional construction volume, is punishable by a fine equal to the value of the works carried out without permission, but in any case, not less than ALL 500 000, and with the demolition or confiscation of the works committed without permission.

f) the use of the facility while not being granted a certificate of use is punishable by a fine from ALL 300,000 to ALL 500,000;

g) the continuation of works with the administrative decision for suspension or termination is punishable by demolition and a fine from ALL 10 000 to ALL 20 000;

gj) drafting a construction project, compiling the respective assessment, the supervision, the execution of works and the inspection of the building contrary to the law, the planning documents or the building permit, regardless of whether it constitutes a criminal offence, constitutes an administrative contravention and is punishable by a fine of ALL 28 000 000 to 3 000 000.

2. The value of unlicensed works, according to par 1, letters "e" and "ë" of this Article, is calculated according to the average cost of construction determined by the instruction of the Council of Ministers.

3. In the case of finding changes in the project or violations of permit conditions, without any consequences in creating additional building volume and additional volume, the inspection authority, in addition to the punishment under sub-par "i" of letter "e" of this Article, shall suspend the works and sets a deadline of up to 45 days for the entity to apply for a work permit for the project and approval approved by the local authority and notifies thereof the planning authority. The application for licensing shall be accompanied by technical-legal documentation, technical argument for changes to the project or for non-compliance with the permit conditions and proof of payment of the fine. In case the entity does not apply within the deadline, the planning authority shall make a decision, according to par 4 of this Article, regarding the construction.

4. The planning authorities shall review the submitted application according to par 3 of this Article and may approve the permission for changes in the project or works out of the permit conditions only if the construction is not inconsistent with planning and development control documents and does not violate the property rights of other persons, as well as the building stability and security. In case the constructions are in compliance with the above requirements, the planning authority shall make a decision to approve the application and obtain the permit. Otherwise, the responsible authority may decide that the changes or works are out of the scope of the permit. When the demolition can be in detriment to the construction part being in conformity with the approved project and permit, the planning authority shall impose a fine equal to twice the value of the work carried out in violation of the permit but in any case, not less than ALL 1 000 000. After the payment of the fine, the responsible authority shall approve the construction permit for the respective works.

5. For violations committed by the builder, designer, supervisor and certifying inspector, the control structures shall immediately submit a request for the removal of the license. The relevant authorities are obliged to take a decision to remove the license within five days. The entity, the license of which is lifted, may no longer be provided with the same license for the next 5 years.

6. The decision to demolish the buildings shall also include the obligation of immediate demolition of the building and the return of the land to the previous state at the expense of the offender.

7. For violations constituting a criminal offence, the inspection authorities, in addition to the punishment for the perpetrators ascertained, under this article, shall immediately file a criminal report.

8. Provisions foreseen in this section for unauthorized constructions shall also apply in the case of the revocation of a construction permit by a court or competent authority decision.

Article 53
Execution of punishments

1. The fines determined pursuant to Article 52 herein shall be imposed by the responsible inspection authority.

2. The national inspection authority shall be entitled to decide, pursuant to Article 52 herein, for violations found at the national level, according to the definitions provided for herein.

3. The national inspection authority shall check the implementation of the provisions of this Law by the local inspection authority and perform its duties on matters of national importance in the planning and control of the development of the territory when it finds a violation of the provisions of this law and when they are not exercised by the local inspection authority.

4. The national inspection authority, whenever finding that the principle of national interest for the development of the territory is violated by illegal constructions, shall proceed in compliance with the provisions of the applicable legislation on issues and areas of national importance.

5. The amount of the fine shall be determined, in any case, in a proportionate manner with the nature of the offence ascertained, with the responsibility and participation in the decision-making of the official or the offender and whether the offender is a recidivist or not.

6. In case of repeated misdemeanor, the offender shall be fined twice the fine value.

7. The procedures for finding a violation, notification of the offender, decision, appeal and other administrative measures regarding the violations of this Law, as well as the execution of the punishment shall be regulated in accordance with the provisions of the applicable legislation regulating the construction inspection.

CHAPTER V

TERRITORRY INTEGRATED REGISTER

Article 54
National Territorial Planning Registry

1. The basic functions of the registry include:

a) recording legal and physical information on public and private rights or restrictions on land and the transformations it faces due to development;

b) providing notifications, in the form and appropriate format, of draft acts and acts related to territorial planning;

c) any other function that may be provided by law.

2. The operation and use of the registry shall not waive the obligation to publication, according to other traditional means of information, if provided by law.

Article 55
Organization and functioning of the registry

1. The information in the registry shall be organized according to an integrated network of multi-purpose land-based databases and developments in it, independent and

interoperable between them. The responsible authorities shall construct, administer and maintain their database, a constituent part of the registry, in accordance with a common geodetic technical platform, structure and standards for GIS, to ensure compatibility and interoperability between them and the exchange and use of recorded information in them.

2. Data published in the registry shall be freely accessible by the public via Internet, except for data protected by law. As a rule, access to the registry shall be free of charge and the content of the acts contained therein is public domain. As far as certain services are concerned, a certain fee may be applied, on which the public is informed in advance.

3. GIS's state fundamental data are administered by planning authorities and other public institutions at national and local level, according to the responsibilities set out in this law and the applicable legislation. Each planning authority shall record sector data in the registry and publish them.

4. National and local planning authorities and other public institutions shall proportionally contribute to the establishment, administration and maintenance of the registry.

Article 56
Publication in the registry

1. All draft acts or approved acts related to planning, including the accompanying documentation and remarks or proposals during planning coordination are mandatory for publication, except those types which:

a) are excluded by law;

b) are internal acts of a national or local authority;

c) are acts or accompanying documentation, the publication of which is prohibited by the legislation in force.

2. The publication in the registry, whenever not provided by law, is a necessary and sufficient condition for the entry into force of the acts.

3. Notwithstanding the definitions of par. 1 of this Article, any act that is not mandatory for publication, literature, methodology, studies and any public interest notice, may be published in the registry at the initiative of the responsible planning authority.

4. Unless otherwise provided in this Law, draft-acts and acts mandatory for publication in the registry, shall be published in the registry within 10 days from the date of the respective decision.

Article 57
Rules for the registration

Pursuant to the above-mentioned provisions of this chapter, the Council of Ministers shall issue by-laws for the approval of:

a) rules for the support with the financial resources of the national and local planning authorities and other public institutions regarding the maintenance and operation of the registry;

b) the common geodetic and GIS structure and standards;

c) rules for the creation, administration, storage and maintenance of data and the structure and format of the registration;

ç) electronic formats of development applications and permits published in the registry;

d) network connection rules and mutual data transfer between planning authorities and other state institutions;

dh) the obligations and rights of the national, regional and local authorities of the planning of the register;

e) the relevant services and fees for them.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

Article 58
Drafting planning documents

1. The Council of Ministers shall adopt the Overall National Plan no later than 20 months from the date this Law enters into force.

2. The planning documents, which are in the process of drafting at the time of entry into force of the Overall National Plan, are subject to the review process in accordance with it.

3. The local planning authorities shall adopt the local planning documents no later than 2 years from the date this law enters into force.

4. For the planning documents, which are being drafting at the moment of entry into force of this Law, the provisions provided for herein shall apply.

5. In order to set up an integrated national planning system, NTPA shall carry out an analysis of existing documents, assessing the planning documents that are necessary for the entire territory of the Republic of Albania, and calculating the costs and deadlines necessary for their drafting.

Article 59
Development control documents

1. Requests for development/construction permits in the process of review at the moment of entry into force of this law shall be evaluated in accordance with the provisions of this law.

2. The development/buildings permits approved before the entry into force of this Law shall be implemented in accordance with the relevant permit conditions.

3. The submission of a construction permit document for permits approved before the entry into force of this law shall be completed within 15 days from the entry into force of this Law.

4. The extension of the permits' time period and the change of the implementing entity for the construction permits approved before the entry into force of this law shall be performed according to the provisions of this law.

Article 60
By-laws

The Council of Ministers shall, within 6 months from the entry into force of this Law, issue by-laws in accordance with the relevant articles of this Law.

Article 61

Repeals

1. Upon entry into force of this Law, the Law No. 10 119, dated 23.4.2009, “On Territorial Planning”, as amended, and the by-laws issued for its implementation, are repealed.

2. Law No. 96/2013, dated 4.3.2013, is repealed.

Article 62

Entry into Force

This Law shall enter into force on 1 October 2014.

SPEAKER

Ilir META

Adopted on 31.7.2014