

**NORMATIVE ACT**  
**No. 9, dated 16.12.2019**

**ON MANAGING THE CONSEQUENCES OF NATURAL DISASTERS**

Pursuant to Article 100 of the Constitution, upon a proposal from the Minister of Interior, Minister of Economy and Finance, Minister of Defence and Minister of Justice, the Council of Ministers

DECIDED:

CHAPTER I  
GENERAL PROVISIONS

Article 1  
**Scope**

This act regulates the functioning of the structures in charge of the rehabilitation and reconstruction of communities and territories affected by natural or other disasters, as well as the development of new territories, by establishing their competencies and responsibilities, the programs in the framework of the reconstruction process, the functioning of the reconstruction fund and related procedures.

Article 2  
**Purpose**

The act aims at addressing the consequences of natural disasters that occur in part or in the entire territory of the Republic of Albania, as well as other disasters that, due to their intensity, scale and extent, demand for an immediate intervention from all civil protection institutions and other state authorities and for which the state of disaster is declared, in accordance with the provisions of the legislation on civil protection in force.

Article 3  
**Scope of Application**

1 The provisions of this act apply to the verification and addressing of the consequences of the state of natural and other disasters, which is declared in a part or in the entire territory of the Republic of Albania, according to the provisions concerning civil protection legislation in force.

2 The responsible authorities determined herein and other state bodies, shall carry out the procedures for the implementation of programs related to the addressing of the consequences of natural and other disasters, according to the provisions of this act and the legislation concerning emergency situations in force.

## Article 4 Definitions

For the purposes of this Act, the following terms shall mean:

1 “Dwelling” shall mean any building or dwelling unit within a building, consisting of a community of premises or only one premise having an independent entrance and exit to each floor, courtyard, terrace or street and intended for living.

2 “Donation” shall mean the voluntary act of providing financial means or in-kind contributions by donors.

3 “Donor” shall mean any person, natural and legal, local or foreigner, government of foreign country, banking institutions or non-bank financial institutions, non-profit organization, domestic and foreign, international organization, which contribute, through financial means or in kind, in the framework of the reconstruction process and according to the provisions of this act.

4 “Family” shall mean the individuals that result in a family composition according to the data in the relevant civil register.

5 “Natural disaster” and “Other disasters” shall have the same meaning as that provided in law no. 45/2019, “On civil protection”. Whenever the words ‘natural disaster’ are used in this act, the relevant provisions shall equally apply to the other disaster.

6 “State of natural disaster” shall mean the state established by the Council of Ministers, in accordance with the Constitution and the applicable legislation for civil protection, in part or in the entire territory of the Republic of Albania, in order to prevent or eliminate the consequences of a disaster natural or of other disasters.

7 “Framework agreement” shall mean an agreement entered into with economic operators, at the end of the first qualifying phase, for each public procurement procedure of the reconstruction process, according to the provisions of this act.

8 “Implementation Unit” shall mean one or several public authorities assigned by the Council of Ministers for the administration of funds transferred from the reconstruction fund, as well as for the performance of other tasks provided in this law.

9 “Public Procurement for Reconstruction” shall mean the accelerated procurement process implemented by the contracting authorities for the selection of winners for public contracts for goods, works and services, in the framework of the implementation of the reconstruction process, in accordance with the provisions of this act and the law on public procurement, insofar as it does not contradict the provisions of this act.

10 “Compulsory local plan” shall mean the planning document drafted by the local self-government units and the responsible authorities, as applicable, for addressing the consequences of a natural disaster and, when deemed necessary, guaranteeing life and health safety, and which establishes the conditions for imposed development, as well as the development of new areas.

11 “Forced demolition”, the process of demolition of a building or several buildings, privately or publicly owned and damaged by natural disasters, which pose a risk to human life and health and cannot be repaired, as evidenced by an in-depth investigation.

12 “Damaged building” shall mean any building, publicly or privately owned, damaged by natural disaster and which poses a risk to human life and health and cannot be repaired.

13 “Damaged area” shall mean the territory that includes one or several buildings, public infrastructure or even critical damaged infrastructure.

14 “In-depth investigation” shall mean the act issued by any natural or legal person, subject of

commercial law, provided with the relevant permits, licenses or authorizations by state authorities to certify the state of danger to life and health, from the building or group of buildings damaged by natural disaster, and wherein the actions to be taken according to the provisions of this law shall be introduced.

15 “Public infrastructure” shall mean any publicly owned building, as well as roads, squares, parks or similar public spaces, other than critical infrastructure.

16 “Critical infrastructure” shall mean the physical structures, networks and other assets, which are necessary for the economic and social functioning of the society or community, according to the definitions employed in law no. 45/2019, “On civil protection”.

17 “Forced development” shall mean the right of the responsible authority to decide on the demolition of buildings and the development of the territory whereby a building or a group of buildings are located, publicly or privately owned, as a result of their damage by natural disaster and which threatens the life and health of the inhabitants, as well as for the development of new areas in accordance with the obligatory local plan, according to the provisions of this act.

18 “New development area” shall mean the territory defined by the local self-government units and declared by decision of the Council of Ministers, as a suitable zone for imposed development, according to the conditions and criteria set out in this law.

## Article 5 **Beneficiaries**

1 Beneficiaries are individuals and families who have lost one or more family members and/or have suffered damages to their homes and have been left homeless as a result of a natural disaster, as well as public institutions that have suffered damages to buildings or infrastructure publicly owned or administered, as a result of the natural disaster event, in the local self-government units wherein the state of natural disaster has been declared.

2 Traders or companies whose headquarters or any place of business in their ownership is damaged by a natural disaster event, in the local self-government units where the state of natural disaster has been declared, unless otherwise provided in this law, can only benefit from the program of measures for economic recovery, according to the provisions of this act.

3 The beneficiary is not the individual or family legally owning or possessing more than one dwelling in the local self-government unit where the state of natural disaster has been declared, regardless of whether the dwelling damaged by the natural disaster was the usual residence. In case all the dwellings owned or possessed are damaged by the natural disaster, the individual or the family shall benefit in accordance with the provisions herein, only for the dwellings that, at the date of the natural disaster occurrence, were used as a normal residence. If, after being awarded the benefit, according to this point, the apartment or other dwellings of the family are included in the obligatory local plan, the benefits of the areas in the new constructions shall be awarded according to the provisions of this act.

4 Should individuals and families whose dwellings have been damaged by a natural disaster event but have been assessed as habitable by the responsible authorities, not benefited from any other program of the reconstruction process, they shall be compensated for the damages, as provide herein.

5 The subjects suffering damages in buildings located outside the territory where the state of disaster has been declared and which damages have been proven consequence of a natural disaster

event, shall benefit from the compensation of damages according to the provisions of this act.

6 Beneficiaries shall not be subjects of commercial law in the field of construction for buildings or units within a building owned by them, which have been damaged by natural disaster, whenever the damages resulted from errors in the design or construction of the building performed by the constructing subject itself which, at the same time, is the owner of the facility, unless the compulsory local development is implemented according to the provisions of this act.

## CHAPTER II RECONSTRUCTION GENERAL PRINCIPLES

### Article 6

#### **Betterment of living and health conditions**

1 Natural disaster recovery aims, as far as possible, at ensuring the return to optimal living conditions and functioning of communities affected by natural disasters, as well as strengthening the ability of these communities to cope with future natural disasters.

2 Public authorities and private entities shall, throughout the entire reconstruction process, guarantee the employment of conditions and techniques that impede the risks during future natural disasters, in accordance with the concept “rebuild better”.

### Article 7

#### **Principle of Sustainable Development**

Public authorities shall, throughout the entire reconstruction process addressing the consequences of natural disasters, ensure, as far as possible, not only the needs of citizens to improving their living conditions and health, but also avoid any effect on the ability of the next generations to meeting their needs.

### Article 8

#### **Principle of Permanent Housing**

1. Suitable housing for an individual or family shall mean a housing that guarantees privacy, as well as a safe, comfortable and dignified life.

2. Housing is suitable if it meets the following conditions:

- a) Sufficient living space according to housing norms and construction standards, as defined by the legislation in force;
- b) Basic services, within the residential environment;
- c) Sustainability and security from risks arising from human action or omission, natural and climatic factors;
- c) Access to public services, such as drinking water and electricity supply, wastewater disposal and waste management;
- d) Access to employment services, health and social care services, education and other community services.

#### Article 9

##### **Principle of equal treatment of the citizens**

1 The right to benefit from and be eligible under the reconstruction programs, shall be ensured to all persons without discrimination as to gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational or social status, pregnancy, ancestry, parental responsibility, age, family or marital status, civil status, residence, health status, genetic predispositions, disability, belonging to a particular group or on any other similar grounds.

2 Reconstruction programs may establish special criteria or cases to assist individuals, families or groups in need or special categories.

#### Article 10

##### **Principle of information and transparency**

Public authorities shall disclose all revenues, donations and expenses incurred in view of managing consequences of natural disasters.

#### Article 11

##### **Principle of financial control and accountability**

Any activity or expense incurred in view of fulfilling the scope of this normative act, shall be subject to legality control, financial and performance auditing, according to the provisions of applicable law.

### CHAPTER III

#### AUTHORITIES IN CHARGE OF MANAGING THE CONSEQUENCES OF NATURAL DISASTERS

#### Article 12

##### **Responsible authorities**

The authorities in charge of managing the consequences of natural disasters shall include:

- a) The Council of Ministers;
- b) The State Reconstruction Commission;
- c) The minister in charge of addressing the consequences of any natural or other disaster;
- ç) The National Agency of Civil Protection;
- ç) Implementation Units;
- d) Local self-government units.

#### Article 13

##### **The Council of Ministers**

The Council of Ministers approves:

- a) policies for addressing and recovering the consequences of natural and other disasters.
- b) the proposals of the State Reconstruction Commission for the:

- i. use of the reconstruction fund by the implementation units and the local self-government units where the state of natural disaster has been declared, for the purposes and according to the provisions set out in this normative act;
  - ii. overall reconstruction program;
  - iii. determination of the project implementation units in the framework of the reconstruction process;
  - iv. determination of new development areas, in accordance with the provisions of this act.
- c) conditions, criteria, financial fund and rules for its use, responsible authorities and procedures for addressing the specific consequences of a natural disaster event;
  - ç) operational and coordination costs for the proper functioning of the reconstruction fund;
  - d) decisions related to other issues in view of the implementation of this normative act.

#### Article 14

### **State Reconstruction Commission**

1. The State Reconstruction Commission is established by the Council of Ministers.
2. The State Reconstruction Commission is the body responsible for proposing the overall reconstruction program and coordinating the actions of the state institutions and private entities, as well as of the material and financial resources for the rehabilitation and reconstruction of communities and territories affected by natural or other disasters, as well as the development of new territories.
3. The State Reconstruction Commission may, during the drafting of the overall reconstruction program, contract experts through the procurement procedures provided for in Chapter VI herein.
4. The State Reconstruction Commission shall exercise the following competencies:
  - a) Draft and propose to the Council of Ministers the overall reconstruction program;
  - b) Coordinate the activity of the state institutions and private entities, including donors, in accordance with the overall reconstruction program, as well as the reconstruction process;
  - c) In consultation with the local self-government units, it shall propose, to the Council of Ministers, the new development areas;
  - ç) Ensure public information and transparency on the reconstruction process.
5. The overall reconstruction program shall contain, at least, data on:
  - a) Persons having lost their lives during the disaster event;
  - b) families left homeless or suffering damaged and listed according to the priority criteria provided in this law;
  - c) damaged and endangered buildings, divided into public and private ones;
  - ç) conditions and eligibility criteria in accordance with the programs of the reconstruction process and according to the provisions of this act;
  - d) public and critical infrastructure facilities, as well as cultural heritage works, protected areas and natural resources damaged by natural disasters;
  - dh) the value of the damages caused, as far as possible;
  - e) measures recommended to be taken within the reconstruction programs and the approximate budgets, if any.
6. The composition, organization, activity and rules of operation of the State Reconstruction Commission shall be determined by a decision of the Council of Ministers, depending on the type of disaster and the action needed to address the consequences of natural disaster consequences.

7. During the period of natural disaster, the Inter-Ministerial Committee for Civil Emergencies shall assume the functions of the State Reconstruction Commission, in case the Commission has not been yet set up by the Council of Ministers.

#### Article 15

### **National Agency for Civil Protection**

1. The National Agency for Civil Protection (NACP) shall collect, manage, process and analyse all acts of preliminary assessment, in-depth investigation and any other data on the consequences of natural or other disasters, which are forwarded by local self-government units or other state authorities.

2. NACP may also mainly verify preliminary assessment acts, in-depth investigation, as well as other data submitted by local self-government units or other state authorities and may request additional information on this data from the local self-government units or other state authorities or, directly from the interested parties.

3. NACP shall act as the technical secretariat of the State Reconstruction Commission and support the Commission in fulfilling the tasks provided by this normative act.

#### Article 16

### **Implementation Units**

1. The implementation units shall administer the funds transferred from the Council of Ministers' reconstruction fund, including in-kind contributions, and shall be responsible for the development of the procurement procedures, according to the provisions of this normative act as with regard to the:

- a) study and planning of territories for rehabilitation and/or reconstruction, as well as of the new development areas;
- b) construction of new housing or reconstruction of damaged public buildings;
- c) reconstruction of dwellings or public buildings declared uninhabitable;
- ç) construction and reconstruction of public and critical infrastructure, according to the provisions of this act;
- d) reconstruction, rehabilitation and construction work on cultural heritage monuments;
- dh) constructions in the new development areas;
- e) any other intervention in view of the reconstruction of the territories affected by the disaster.

2. The implementation units shall interact with all responsible public institutions, according to the respective sphere of responsibility, which have the obligation to meet the requirements of the implementing unit for information or, making available the necessary documentation, no later than 15 days from the date of receipt of the request.

3. The implementation units shall be appointed by CMDs. In any case, the Council of Ministers may designate more than one implementation unit, taking into account the specific features and volumes of the reconstruction process programs, as well as the need for fulfilment of competences by the specialized structures.

## Article 17

### **Local self-government units**

1. Local self-government units, in implementation of their competencies according to the definitions in the legislation concerning civil protection in force and for the planning and development of the territory shall:

a) administer the funds transferred from the Council of Ministers' reconstruction fund, including in-kind contributions, when designated as implementation units by decision of the Council of Ministers, according to the rules and procedures provided herein;

b) approve the mandatory local plans, detailed local plans and development and construction permits, in the framework of the reconstruction process, according to the rules and procedures provided in this normative act;

c) create, administer and update the database of individuals and families having lost their members and/or left homeless as a result of a natural disaster event, also in view of meeting their needs through the reconstruction programs.

2. In view of a better management of the reconstruction process at the local level, special reconstruction offices can be established. The local self-government unit shall take the appropriate measures to ensure the full functioning of the special office, through the appointment of appropriate staff to the fulfilment of its competencies.

3. The special office shall operate as an auxiliary and operational management unit for the local self-government unit and shall perform the following tasks:

a) Facilitate the preparation and follow-up of procedures for the mandatory local planning, the issuance of necessary permits for construction, reconstruction and recovery, as well as the issuance of acts of use of buildings, private individual houses, public and critical buildings and infrastructure, which are built during the reconstruction process.

b) Coordinate with other bodies, at local and central level, in view of carrying out the reconstruction process;

c) Perform all other duties defined by this act or by decision of local self-government bodies.

4. The local self-government units shall cooperate with the implementation units, the National Housing Authority, the Albanian Roads Authority, OSHEE, the Transmission System Operator, the line ministries, as well as with any other responsible public institution.

## CHAPTER IV

### RECONSTRUCTION PROCESS

## Article 18

### **The reconstruction process and the respective programs**

1. The reconstruction process is an integrated development process consisting of several programs, in order to improve living conditions and health after the declaration of the state of natural disaster and which are defined in this article.

2. New housing development program consisting of the following sub-programs:

a) Development of new housing and development areas, including relevant public infrastructure, as well as reconstruction of existing damaged buildings and public infrastructure by state authorities;

b) Development of new housing and development areas, including relevant public infrastructure, as well as reconstruction of existing damaged buildings and public infrastructure, by state authorities by donors;

c) Reconstruction of buildings collapsed from natural disaster events on the same site;

ç) Cooperation program for constructions in cooperation with the private sector.



3. The public infrastructure program, whenever not part of other programs provided in this law and of the critical infrastructure, shall be the program through which, with financings from the reconstruction fund or from donors, objects of public infrastructure and critical by implementing units, are built or reconstructed.

4. The housing creation fund program consists of:

- a) The program for the purchase of new housing in the free market;
- b) The program of houses donated by private entities.

5. The reconstruction grants program consists of:

- a) The grant for rebuilding or the reconstruction of damaged houses;
- b) The payment of rent for families left homeless by natural disaster events;
- c) The reimbursement of expenses of private sector entities that provide accommodation structures for families affected by natural disasters.

6. The program of social and economic recovery measures consisting of the following sub-programs:

- a) Compensation of damages from natural disasters;
- b) Social recovery measures;
- c) Measures for the economic recovery;
- ç) Recovery and preventive measures.

7. The conditions, criteria, priority categories, procedures and rules for the evaluation and selection of beneficiaries from the reconstruction programs, including the responsible state authorities, shall be established by a CMD. Beneficiaries may not benefit from more than one program of the reconstruction process for housing purposes at a time, unless otherwise provided in this act. The responsible authorities shall take measures so that the entities not benefiting from a certain program, can have the opportunity to be transferred to another reconstruction program, in accordance with the conditions and procedures provided in the decision of the Council of Ministers. The beneficiaries of the reconstruction programs shall be compensated in an amount not exceeding the value of the actual damage consisting of the loss of human life and/or of the damaged property value.

8. The priority criteria for ranking beneficiaries include:

- a) families having lost members to natural disasters;
- b) single-parent families with dependent children, including single mothers;
- c) families with persons with disabilities;
- ç) elderly persons of retirement age;
- d) families in the economic assistance scheme;
- dh) people killed in the line of duty.

## SECTION I NEW HOUSING AND DEVELOPMENT AREAS PROGRAM

### Article 19

#### **Development of new housing and/or areas and public infrastructure by the state authorities**

1. Through the reconstruction fund, houses shall be built or reconstructed, and new areas shall be developed, according to the provisions of this normative act. The provisions of this article shall apply equally, as far as possible, to the construction of new facilities and the development of new areas, as well as to the reconstruction of existing facilities.

2. Local self-government units shall identify the areas for the purpose of construction of new facilities and/or public infrastructure and new areas and plan their development according to the mandatory local planning documents and provisions in this normative act.

3. Local self-government units and state authorities responsible for territorial planning and development shall take measures to draft the mandatory local plans through the accelerated procedures approved by a decision of the Council of Ministers.

4. Implementation Units shall carry out the procedures provided in this normative act for the construction of public facilities or infrastructure, as well as the development of new areas for development, according to the mandatory local planning.

5. Unauthorized constructions in new development areas and/or in areas planned for construction according to this act, shall be exempted from legalization procedures and the possessors of illegal constructions shall be treated according to the provisions of this act and in accordance with the principle of adequate housing.

6. The private owners of land included in the areas planned for construction or in the new development areas, on which illegal constructions have been erected or not, shall be expropriated according to the provisions of the expropriation legislation or acquire land in the new construction, according to the conditions and procedures provided by decision of the Council of Ministers. In case the landowner is also the possessor of the illegal construction, it shall be treated according to the provisions of point 5 of this article.

7. For constructions of new development areas in rural areas, the legal owners of the real estate used for housing in rural areas, shall be relocated to housing in the new development areas. In these cases, relocating private owners shall retain ownership rights over the land. The conditions and eligibility criteria for compensation in the new facilities, shall be established by a CMD. The rights of private landowners in the new development area in rural territory shall be regulated, as far as possible, according to the provisions of point 6 of this article. For the needs of the agricultural economy, private owners, whose property is planned as a new development area, shall be compensated land ownership according to the provisions by decision of the Council of Ministers.

8. For the approval of development permits and construction permits for the new facilities and public infrastructure, the accelerated procedures shall apply, which shall be approved by a decision of the Council of Ministers.

9. Upon completion of the construction of the new facilities, the implementation unit shall prepare the inventory list and relevant documentation of housing and service units, if any, and forward them to the Council of Ministers. The Council of Ministers, by way of decision, shall transfer the ownership of the new facilities to the local self-government units or the responsible state authorities.

10. The local self-government units or the responsible state authorities shall perform the procedures for the transfer of ownership as an individual unit to the beneficiary, according to the provisions of this act, through the signing of a donation contract. The Council of Ministers shall approve the standard format of the donation contract, which shall contain, among others, the obligation of the beneficiary to give up, in favour of the state or the local self-government unit and in exchange for the new apartment, the right of ownership over the damaged dwelling and the respective land, if any, or from the right of ownership over the land for the owner treated according to the expropriation by exchange of the construction surface in the new building.

11. The registration of the transfer of ownership of the housing units to the beneficiary shall be performed by the State Cadastre Agency, on behalf of the owner of the damaged property or the owner of the property used for development. For the owners of illegal constructions, the registration of the housing units shall be done on behalf of the applicant for legalization of illegal construction or, in case of lack of application, of all adult family members at the time of registration of the

donation contract.

12. Beneficiary entities affected by natural disasters that are treated as a priority for being sheltered in the new facilities according to the provisions of this act, are defined in point 8, article 18 herein. The list of beneficiaries shall be compiled by the local self-government units or the responsible authorities, which apply, as far as possible, and without prejudice to the provisions of this act, the rules and procedures for scoring candidates provided for in the legislation on social housing. Being eligible under this sub-program shall not be conditioned by the application for benefiting, nor by the level of income of the individual or family. The local self-government units shall compile and approve the list based on the database of homeless persons and families as a result of the natural disaster events they shall manage.

13. If, after meeting the housing needs of the beneficiaries of this act, there are vacant housing units left, they shall be administered by local self-government units or responsible authorities, in order to meet the housing needs, in accordance with the provisions of the law on social housing. The service units in the new facilities, if any, shall remain property and used for the needs of the administrative competences of the local self-government units or the responsible state authority.

#### Article 20

##### **Development of new housing and/or areas and public infrastructure by the donors**

1. Through donors' investments, houses shall be built, or reconstructed, and new areas shall be developed, according to the provisions of this act. The provisions of this article shall apply equally, as far as possible, to the construction of new facilities and the development of new areas, as well as to the reconstruction of existing facilities.

2. In cases the donor contributes by undertaking the construction or reconstruction of new facilities or public infrastructure or the development of a new development area, a cooperation agreement between the Council of Ministers and the donor shall be signed.

3. In these cases, local government units shall take the measures to prepare the construction site and, where appropriate, make the construction project available to the donor.

4. The donor shall receive all the necessary facilitations and tax exemptions provided in this act or in the fiscal legislation in force, for the construction of new facilities and public infrastructure by the state authorities.

5. By the end of the project, the donor shall prepare the inventory list and the relevant documentation of the project and forward it to the Council of Ministers.

6. The Council of Ministers, by way of decision, shall transfer the ownership of the new facilities to the local self-government units or the responsible state authorities.

7. The rules and procedures provided in Article 18 herein, shall apply, as far as possible, even for the constructions provided in this article.

#### Article 21

##### **Reconstruction of buildings collapsed by natural disaster on the same site**

1. With financings from the reconstruction fund or with investments from donors, the buildings damaged by the natural disaster shall be built or reconstructed on the existing land, according to the provisions of this act.

2. Beneficiaries of housing units in new buildings shall be the owners of housing units of demolished buildings, on the lands of which new buildings are built. The structure of the housing units transferred to the beneficiaries shall be no larger than the structure of the housing units that

the beneficiaries had in ownership in the collapsed building. The rules for dealing with discrepancies between the surfaces and the structure of the housing unit, shall be determined by the instruction of the minister covering the housing affairs.

3. Local self-government units and state authorities responsible for territorial planning and development shall take measures to draft the mandatory local plans through the accelerated procedures approved by a decision of the Council of Ministers.

4. Implementation Units shall carry out the procedures provided in this act for the construction of public facilities or infrastructure, according to the mandatory local planning.

5. For the approval of development permits and construction permits, for the new facilities, the accelerated procedures shall apply, which shall be approved by a decision of the Council of Ministers. For the approval of development and construction permits, in the framework of the mandatory planning process, the approval of the land co-owners who are, at the same time, beneficiaries of the sub-program provided in this article, shall not obligatory.

6. Upon completion of the construction of the new facilities, the implementation unit shall prepare the inventory list and relevant documentation of housing and service units, if any, and forward them to the Council of Ministers. The Council of Ministers, by way of decision, shall transfer the ownership of the new facilities to the local self-government units or the responsible state authorities.

7. The local self-government units or the responsible state authorities shall perform the procedures for the transfer of ownership as an individual unit to the beneficiary, according to the provisions of this act, through the signing of a contract. The Council of Ministers shall approve the template contract.

8. The registration of the transfer of ownership of the housing units to the beneficiary shall be performed by the State Cadastre Agency, on behalf of the owner of the damaged property damaged by the natural disaster event.

9. In the event that, after meeting the housing needs of the beneficiaries, according to this article, there are free housing units left, they shall be used for other beneficiaries, according to the provisions of this act and, as applicable, the rules and procedures provided in Article 19 herein. In any case, the service units in the new facilities, if any, shall remain property and used for the needs of the administrative competences of the local self-government units or the responsible state authority.

10. The owners of demolished dwellings may choose to build their houses on the same land, with a private developer, under the terms set out in the agreement between them. If no agreement is reached within 3 months from the day of the act determining the demolition of the building, the development of the property shall be done by the state authority or donors, according to the provision of this article. If the property developers are natural or legal persons, under the conditions provided in points 3, 4 and 5, of Article 42, of this act, they shall be excluded from the process of construction of these dwellings.

11. For the approval of development permits and construction permits for the new facilities, as provided in paragraph 10 of this article, the accelerated procedures shall apply, which shall be approved by a decision of the Council of Ministers. In these cases, the developer/investor shall not be exempted from applicable taxes and duties, according to the legislation in force and shall not benefit from fiscal exemptions, according to the provisions of this act.

## Article 22

### **Cooperation with the private sector on constructions**

1 The local self-government units, for the purpose of providing shelter for the families affected

by natural disasters, shall place land owned by them at the disposal of private developers in exchange for the benefit of construction areas in new facilities. In these cases, the construction investment shall be financed by the private investor and the local self-government unit benefiting in exchange for a certain percentage of the construction area, which shall be calculated according to the conditions and market value applying to these relations for the same development area.

2 The conditions, criteria and procedures for selecting the investors shall be based on the principle of competitiveness and shall be provided by a decision of the council of the local self-government unit.

3 Respective contracts shall be entered into by and between the developer and the local self-government unit, which shall define the rights and obligations of the parties.

4 For the approval of development permits and construction permits for the new facilities, the accelerated procedures shall apply, which shall be approved by a decision of the Council of Ministers. In these cases, the developer/investor shall not be exempted from applicable taxes and duties, according to the legislation in force and shall not benefit from fiscal exemptions, according to the provisions of this act.

5 Upon completion of the construction of the new facilities, the local self-government units shall carry out the relevant procedures for the receipt and registration in the State Cadastre Agency of housing and service units in the new facilities.

6 The local self-government units shall carry out the procedures for the transfer of ownership as an individual unit to the beneficiary, according to the provisions of this act, through the signing of the respective contract.

7 Beneficiary entities affected by natural disasters, that are treated as a priority for being sheltered in the new facilities, according to the provisions of this act, are defined in point 8, article 18 herein. The list of beneficiaries shall be prepared by the local self-government units applying, as far as possible, and without prejudice to the provisions of this act, the rules and procedures for scoring candidates provided for in the legislation on social housing. Being eligible under this sub-program shall not be conditioned by the application for benefiting, nor by the level of income of the individual or family. The local self-government units shall compile and approve the list based on the database of homeless persons and families as a result of the natural disaster events they shall manage.

8 The registration of the transfer of ownership of the housing units to the beneficiary shall be performed by the State Cadastre Agency, on behalf of the owner of the damaged property damaged by the natural disaster event. If, after meeting the housing needs of the beneficiaries of this act, there are vacant housing units left, they shall be administered by local self-government units, in order to meet the housing needs in accordance with the provisions of the law on social housing.

## SECTION II

### Article 23

#### **Building of and reconstruction of public and critical infrastructure**

1. With the financings from the reconstruction Fund, public facilities, as well as public and critical infrastructure shall be built and reconstructed.

2 The implementation units shall be appointed by CMDs. Implementation units can also be legal entities that administer critical infrastructure and which, depending on the possibilities, can co-finance projects for the construction or reconstruction of critical infrastructure facilities. In any case, the ownership of the new object shall be registered in the State Cadastre Agency, in favour of the state or the local self-government unit.

3 In case the rebuilding or reconstruction of the public buildings, of the public and critical infrastructure, is carried out with funding from donors, who shall carry out the construction works themselves; a cooperation agreement shall be concluded with the Council of Ministers.

4 For the approval of development permits and construction permits for the new facilities, the accelerated procedures shall apply, which shall be approved by a decision of the Council of Ministers. The building of and reconstruction of public and critical infrastructure shall be exempted from the infrastructure impact tax and application fees applicable to building permits.

### SECTION III HOUSING FUND PROGRAM

#### Article 24

#### **Housing Fund addressing natural disasters**

1 For the housing needs of families affected by natural disasters, the National Housing Authority, pursuant to the provisions contained in the decision of the Council of Ministers and/or, the local self-government units, shall create the housing fund necessary for addressing the consequences of natural disasters, which shall consist of apartments purchased with funds from the reconstruction fund in the free market, as well as apartments donated by third parties in favour of the state, in order to cope with natural disaster events.

2 The National Housing Authority or the local self-government units shall buy houses in the free market, in case the value of the flat in the market is lower than or equal to the construction costs. The houses can be bought from the market, exceptionally, whenever their market value is higher than the construction costs, only when:

- a) emergency conditions for sheltering the beneficiaries are evidenced, according to this act; or
- b) state authorities are unable to meet the housing needs of the beneficiaries, according to the provisions of this act.

3 The beneficiaries affected by natural disasters, treated as a priority for being sheltered in the facilities furnished in the free market, are defined in point 8 of Article 18 herein. The list of beneficiaries shall be prepared by the National Housing Authority or the local self-government units applying, as far as possible and without prejudice to the provisions of this act, the rules and procedures for scoring candidates provided for in the legislation on social housing. Being eligible under this sub-program shall not be conditioned by the application for benefiting, nor by the level of income of the individual or family. The local self-government units shall compile and approve the list based on the database of homeless persons and families as a result of the natural disaster events they shall manage. The National Housing Authority shall compile the list of beneficiaries according to the provisions set forth in the Council of Ministers' decision.

4 Public procurement legislation does not apply to the purchase of furnished apartments. With regard to the purchases, the responsible authorities shall estimate the average free market prices, by selecting, on the basis of the favourable price and the required quality, the invitation to bid they shall send to the free market companies. The responsible authorities shall take measures to organize transparent procedures for the purchases provided for in this Article.

5 Purchased apartments shall be registered in the public register of real estate, free from any encumbrance and mortgage. If the owner or co-owners of the apartments requested to be purchased are natural or legal persons, they shall, under the conditions provided in points 3, 4 and 5, of Article 42 herein, be excluded from the process of purchasing houses.

6 The local self-government units or the National Housing Entity shall carry out the procedures for the transfer of ownership of the apartments to the beneficiaries, according to the provisions of

this article, through the signing of donation contracts. The donation contracts shall be drafted by the local self-government units or the National Housing Authority, according to the provisions of the Civil Code and shall contain, among others, the obligation of the beneficiaries to relinquish ownership over the damaged houses and the relevant land, if any, in favour of the state or the local self-government unit, in exchange for new housing. The local self-government units can provide housing, according to the provisions of this act, to individuals or families who are not residents in their own territory, but who turn out to be beneficiaries in the territory of another local self-government unit where the state of natural disaster has been declared, based on a request of the State Reconstruction Commission.

7 The registration of the transfer of ownership of the houses to the beneficiaries, shall be performed by the State Cadastre Agency, on behalf of the owners of the properties damaged by the natural disaster event.

8 Whenever the list of priority beneficiaries is exhaustive and there are free houses, their distribution shall be executed according to the ranking of the beneficiaries and, carried out by the responsible authorities, according to the provisions herein.

9 If, after meeting the housing needs, according to the provisions of point 8 of this article, there are free housing units, they shall be administered by the local self-government units or the National Housing Authority, in view of meeting the housing needs, in accordance with provisions of the law on social housing.

10 The National Housing Authority is the authority responsible for accepting free market housing donated by private entities. The rules provided in the paragraphs above, shall apply, as far as possible, to the sub-program concerning donated houses, according to the provisions of this article. Donation shall be recognized to legal persons as a deductible expense and sponsorship, according to the provisions of applicable law.

## SECTION IV RECONSTRUCTION GRANTS PROGRAM

### Article 25

#### **Housing Reconstruction Grants**

1 Construction or reconstruction grants, according to the project-designs, shall benefit families affected by natural disasters and whose individual dwellings are classified as damaged or uninhabitable. The rules for the project-designs, benefiting limits, conditions, criteria, procedures and the authorities responsible for the evaluation of the grant application and award, shall be provided by way of a CMD.

2 For the approval of development permits and construction permits, for the cases falling under paragraph 1 of this article, the accelerated procedures which shall be approved by a decision of the Council of Ministers, shall apply.

3 construction and reconstruction shall be exempted from the infrastructure impact tax and application fees applicable to building permits.

### Article 26

#### **Rent Payment**

1 Families affected by natural disaster events, left homeless after their individual houses or dwellings are classified as damaged or uninhabitable, shall receive a rent payment at the average free market value, for one year, which is approved by decision of the local self-government units.

2 To benefit from the rent payment, the beneficiaries shall apply to the local self-government units whereby they reside, submitting the following documentation:

- a) The application form according to the format approved by the local self-government unit;
- b) The Institute of Construction statement;
- c) The family certificate;
- ç) An account number in a second-tier bank.

3 The local self-government units shall carry out the accelerated procedures for the review of applications and the respective approval of the beneficiaries, as well as the rent amounts, by way of a decision of the councils of the local self-government units.

4 The rent payment, once the term provided in point 1 of this article has expired, can be approved until the benefit of the new apartment by the responsible state authorities or until the completion of the construction or reconstruction of the houses, in implementation of the reconstruction programs provided in this law, should the beneficiaries meet the relevant criteria and provide the documentation, according to the provisions of the legislation on social housing in force.

5 Rental costs shall be borne by the reconstruction fund, as well as by the revenues of local self-government units.

6 The local self-government units may approve the rent of the houses according to the provisions of this article, also for families who are not residents of their territory but who are beneficiaries in the territory of another local self-government unit where the state of natural disaster has been declared, based on a request of the State Reconstruction Commission, in cases of lack of housing possibilities in the local self-government units where the beneficiaries reside.

#### Article 27

### **Costs incurred for accommodation and food compensation**

1. Private sector entities or public institutions that provide accommodation facilities and services to families affected by natural disasters, shall receive compensation for expenses incurred for the entire period of the service delivery.

2 The criteria, conditions, amount of reimbursable expenditure, relevant procedures and responsible authorities, shall be determined by way of a decision of the Council of Ministers.

## SECTION V

### SOCIAL AND ECONOMIC RECOVERY MEASURES

#### Article 28

### **Compensation of damages from natural disasters**

Natural and legal persons having suffered damages to their dwellings or properties and, fail to submit as a need the reconstruction or repair of dwellings and facilities, according to the provisions of this act and, who have not been left homeless, shall receive compensation according to the provisions of applicable law on civil protection, only if they have not benefited from any other program of the reconstruction process, as provided in this act.



Article 29  
**Social recovery measures**

1. Social recovery shall include measures for:
  - a) rehabilitation at work of those affected by the natural disaster event and support for employment, according to vocational training programs and employment services according to the legislation in force, which are of priority for this category;
  - b) full access to health care, social services, education, culture and other community services, especially for those families having changed their place of residence as a result of a natural disaster.
2. Within one month from the entry into force of this act, the line ministries shall design and implement the social programs, which are approved by way of a ministerial instruction and become an integral part of the overall reconstruction program.

Article 30  
**Economic recovery actions**

1. In view of providing recovery for the sector of tourism, trade, crafts, agro-tourism, livestock and agriculture, production sector, the scheme of supporting the financial recovery of areas affected by the disaster has been set up.
2. The economic recovery support scheme shall include, *inter alia*:
  - a) granting unemployment benefits to employees who have remained unemployed due to the collapse or damage of the workplace or due to displacement as a result of a natural disaster, as certified by official documents;
  - b) funding small and medium enterprises which premises of activity have been damaged and/or displaced due to natural disasters certified by official documents, in order to quickly provide for the reconstruction or suitable facilities for carrying out their activity by the employees.
3. Local self-government units shall take any measure to support the private sector, aiming at their economic recovery, according to their budgetary possibilities or by seeking financing for certain projects from the reconstruction fund.
4. The conditions, criteria and procedures for the design and implementation of economic recovery measures shall be determined by way of a decision of the Council of Ministers.

Article 31  
**Recovery and preventive measures**

1. In addition to what provided under this law, the responsible ministries, according to their area of responsibility, shall take the following protective, preventive and well-being measures:
  - a) The Ministry responsible for the environment shall identify the environmental damages from the natural disaster events and draft the plan of measures for the recovery, protection and prevention of eventual damages, as well as carry out their budgeting;
  - b) The Ministry responsible for tourism shall identify the impact of natural disasters on tourism and draft a plan of measures for the respective recovery and development of the tourism sector;
  - c) The Ministry responsible on infrastructure shall identify the damages in the areas with natural resources from the natural disaster events and draft the plan of measures for the recovery, protection and prevention of eventual damages, as well as perform their budgeting;
  - ç) The Ministry responsible for culture shall identify the damages in the objects and areas of cultural heritage from the natural disaster and draft the plan of measures for the recovery, protection and prevention of eventual damages, as well as perform their budgeting.

d) The Ministry responsible for education shall identify the impact of natural disasters on the learning process and draft plans for the recovery and progress of the learning process, according to the relevant programs for the respective school year.

2. The plans of measures provided under this article shall be drafted by the responsible ministries within one month from the entry into force of this act and adopted by way of the instruction of the responsible minister and become an integral part of the overall reconstruction program.

3. The Council of Ministers, at the request of the responsible ministry, may decide to finance one or more measures from the reconstruction fund.

#### Article 32

### **Expropriation and exchange**

1. In view of the reconstruction process and according to the provisions of this act, the procedures provided for expropriation for public interest may be applied, according to the provisions of the legislation for expropriation for public interest or exchange of immovable property of one private party with another state-owned real estate, in force.

2. The conditions and accelerated procedure for compensation in the new facilities, shall be established by a CMD.

#### Article 33

### **Persons undergoing the legalisation process**

1. Unauthorized constructions in the areas planned for construction or in the new development areas, according to the provisions of this act, shall be exempted from the legalization procedures provided in the legislation in force for the legalization of illegal constructions.

2. Entities possessing constructions classified as illegal constructions, in the sense of the legislation in force for the legalization of illegal constructions and, in the areas planned for construction, according to this act, shall acquire ownership of construction area in the new residential buildings, according to the conditions and criteria set out by way of a CMD.

#### Article 34

### **In-depth inspection of the damaged buildings**

1. For buildings having suffered damages and been declared uninhabitable by preliminary inspections or assessments of the Construction Institute or relevant inspection groups, local self-government units or responsible state authorities in order to guarantee life and health, may conduct in-depth inspections according to the procedure set out in this Article. The in-depth inspection shall be performed for all those objects which, according to the preliminary findings or preliminary assessments of the Construction Institute or the respective inspection groups, a more in-depth re-evaluation is required.

2. The in-depth inspection shall contain, among others, a detailed description of the conditions of the building, the damage suffered, the structural condition, the measures for repairs and interventions to be carried out to guarantee the safety of life and health of people, as well as the financial value of these interventions. The inspections shall provide clear conclusions on the structural conditions, whether the building can be repaired, or its structure is damaged to the extent demanding the forced demolition of the building.

3 In-depth inspection shall be subject to technical opposition from the Institute of Construction and its opinion shall prevail over the in-depth inspection and shall be implemented by local self-government units or responsible authorities.

4 If, according to the in-depth study, supported by the opinion of the Construction Institute, the interventions for the repair of the structure cost more than 70% of the cost of reconstruction of the building, the local self-government unit or responsible authority shall decide on the forced demolition of the building, which shall be performed according to the procedures provided in Article 35 herein.

5 For the immediate assessment and, in any case, until the end of the state of natural disaster, of the damages to public or private buildings, the local self-government unit or the responsible authority shall follow the procurement procedure by negotiation without prior announcement to cover the emergency needs, according to applicable law on public procurement. The public procurement procedure in this case shall be conducted in writing.

6 The construction permits, the relevant permits for reconstruction or demolition permits of buildings, according to the provisions of this article, shall be approved by accelerated procedures according to the provisions set forth in the CMD and, shall be exempted from infrastructure impact tax, as well as the application fees applicable to building permits.

7 The costs for the in-depth inspection, repair or demolition of damaged buildings according to the provisions of this article and Article 35 of this act, shall be covered by the budget of the local self-government units or responsible authorities or, in case of reconstruction fund's insolvency, whenever approved by decision of Council of Ministers.

8 The subjects affected by the forced demolition of the buildings according to the provisions of this article, shall benefit from the reconstruction process according to the provisions of this act.

#### Article 35

#### **Forced demolition**

1 Forced demolition of a building or several buildings, privately or publicly owned, shall be carried out whenever the building is damaged by a natural disaster event and cannot be repaired or whenever it poses a risk to human life and health, according to the conclusions of the preliminary findings or assessments of the Institute of Construction or in-depth inspection, as well as if the repair costs more than the construction from scratch, according to the recommendations in the in-depth inspection act, drafted according to the provisions of this law.

2 Demolition of public buildings for reasons provided in point 1 of this article, shall be done follow to a decision of the state body owner or administrator of the building.

3 The demolition of buildings private property, for reasons provided in point 1 of this article, shall be done by way of a decision of the local self-government unit in whose territory the building is located. The local self-government unit shall decide to demolish the building even without the consent of the owners.

4 The state authority carrying out the demolition, shall provide notification, 24 hours before the intervention, to the Judicial District Prosecutor's Office where the building is located, as well as to the local police structures.

### CHAPTER V RECONSTRUCTION FUND

#### Article 36

#### **Reconstruction Fund**

1. The reconstruction fund is used for the execution of the programs of the reconstruction process and consists in:

- a) special program in the state budget developed from state budget revenues and donor revenues;
- b) donations of goods or services from donors, which constitute in-kind contributions.

2. The management, use and transfer of funds of the special program in the state budget, in view of executing the programs of the reconstruction process and the proper functioning of the reconstruction fund, shall be performed according to the provisions of the legislation in force for the management of the budget system and the relevant annual budget law.

3. The provisions of this act shall apply to the economic evaluation, receipt, rules and procedures for storage and the in-kind contributions use, as provided herein.

4. Local self-government units, if possible, shall contribute to the reconstruction process with their own material and financial resources.

#### Article 37

### **Contributions In-kind**

1 In cases where donors undertake to make contributions in-kind, construction materials or items, works or services in view of the reconstruction process, these contributions shall be received by the National Agency of Civil Protection, which in turn, shall cooperate for this purpose with the General Directorate of State Material Reserves or at the request of this Directorate with the local self-government units and are made available to the implementing unit according to the provisions of this act.

2 The contributions in-kind produced, designed or adapted for construction or reconstruction purposes, shall be calculated at their financial value and made available to the contractor selected for the implementation of the works, provided their corresponding value is deducted from the forecast costs of the project to be implemented. The use of in-kind contributions in the reconstruction process shall be adopted by a CMD.

3 In-kind contributions, items or construction materials shall be stored and inventoried by the responsible authority and their delivery shall be done at the request of the implementation unit and with the prior approval of the State Reconstruction Commission.

4 Upon storage, the authority responsible for storage, shall issue a certificate stating the name of the subject, the description of the donated items, their quantity, as well as the date and place of storage.

5 Their inventory prices shall be determined by the authority responsible for the storage, based on the selling prices, whenever these are donated accompanied with the respective invoices, the customs reference prices whenever there is no invoice or the reference prices according to the construction manuals in force.

6 For contributions in works, the value of the work or service shall be calculated according to the average salary of the last six months for the same work for the employees of the contributing entity.

7 In the case of contribution in services, the value of the service shall be calculated according to the average cost of the last six months for the same service provided by the contributor.

8 NACP shall inform the State Reconstruction Commission for any in-kind contribution that is registered according to the provisions of this article.

9 Contributions according to this article shall be recognized to the relevant entities as deductible expenses on profit tax.

10 All in-kind contributions, as defined in this article, shall be disclosed on the transparency portal of the reconstruction process.

11 The methodology for determining the value of the in-kind contributions, items or construction materials, as well as the conditions and procedures for recognizing the contribution as a deductible expense, shall be approved by a joint instruction of the Minister of Finance and Economy and the Minister of Defence.

Article 38  
**Transparency**

1. In view of the transparency of the use of the funds in the framework of the reconstruction process, a single government portal shall be developed.
2. This portal shall publish information that includes, but is not limited to:
  - a) the national reconstruction program;
  - b) data on the reconstruction fund, its sources, financial and in-kind contributions and methods of payment.
  - c) completed projects;
  - ç) developed areas and developing areas;
  - d) decisions of the responsible authorities;
  - dh) data on procurement procedures in view of the reconstruction process.
3. The principles of *Open Data* shall be adopted in the publication of information, as far as possible.

Article 39  
**Audits**

1. In addition to what provided in the legislation in force on the auditing in the public sector, the reconstruction fund, as well as any other authority, public or private, using budget funds from the reconstruction fund, shall be also subject to legal audits, according to the provisions of the legislation in force on statutory audit.
2. Auditors engaged in the audits or procedures set forth in this article, shall not be subject to disciplinary action or undergoing disciplinary investigation for breach of applicable statutory audit legislation and shall be graded A, B or C, during the quality control of their performance in the last three years, if such control has been performed.
3. The reconstruction fund shall be considered in the public interest and, any statutory audit engagement, shall be considered a statutory audit engagement of a public interest entity and shall be subject to legal obligations, as defined in the relevant law on statutory audit. Excluded from the provisions of this article are funds donated by donors and executed directly by them in the framework of the reconstruction process and according to the provisions of this act.

CHAPTER VI  
PUBLIC PROCUREMENT PROCEDURES

Article 40  
**Scope**

- 1 The objective of this chapter is to determine the special rules applying to the procurement of goods, works and services by the implementation units in the framework of the reconstruction process, unless otherwise provided in this act.

2 Excluded from the application of this chapter are the procurement of works or services related to the reconstruction or repair of cultural heritage monuments, damaged by natural disasters, for which the provisions of the legislation in force on cultural heritage shall apply.

#### Article 41

### **Public Procurement Principles**

1. Public procurement for reconstruction shall provide:

- a) good use of the reconstruction fund and reduction of procedural costs;
- b) promoting the participation of economic operators;
- c) equal and non-discriminatory treatment for all economic operators;
- ç) integrity, public trust and transparency.

2. The principles provided in point 1 of this article, are recommended to be applied by donors during the procedures of selection of contractors who perform the design, implementation and supervision of construction works during the reconstruction process.

3. The selection of winners, who shall implement public contracts within the reconstruction process, shall be done according to the evaluation criteria in relation to the object of the contract being procured and include the quality, price and time of contract implementation.

#### Article 42

### **Construction Public Procurement Procedures**

1. The qualification criteria and the evaluation criteria shall be prepared according to the public procurement legislation, as far as possible and without prejudice to the provisions of this act.

2. The Council of Ministers shall approve the authority responsible for the development of the procedure, the standard documents of the procurement procedure, the criteria for evaluation and determination of the winning bid, the terms of the framework agreement, as well as the contract.

3. The responsible authority shall disqualify from the procedure of selection of winners of public contracts any economic operator which has been convicted by a final court decision, for any of the following criminal offences:

- a) participation in a structured criminal group, criminal organization, armed gang, terrorist organization;
- b) corruption
- c) fraud
- ç) money laundering or terrorism financing;
- d) acts with terrorist intent or criminal offences related to terrorist activities;
- dh) organization, direction or financing of the activity of production and sale of narcotics, as well as of the activity of narcotics trafficking;
- e) forgery;
- ë) exploitation of child labour and other forms of trafficking in human beings.

4. The obligation to disqualify an economic operator shall also apply whenever the person convicted by a final court decision is a member of an administrative, governing or supervisory body, a shareholder or partner, economic operator or holds representative, decision-making or controlling powers.

5. The responsible authority shall disqualify from the procedure of selection of winners of public contracts any economic operator which:

- a) has gone bankrupt and its capital is in the process of execution by bailiffs;

- b) it is subject to bankruptcy proceedings and there is a compulsory liquidation order or administration by the court, or has an agreement with creditors, or any other similar proceedings;
- c) has been convicted by a final court decision for offences related to professional activity;
- ç) has not fulfilled the obligations for the payment of social security contributions, in accordance with the Albanian legislation or with the provisions applicable in the country of origin;
- d) has not fulfilled the obligations for the payment of taxes, in accordance with the Albanian legislation or with the provisions applicable in the country of origin;
- dh) has been proved guilty of providing false information, whenever requested in accordance with this chapter, or has refused to provide this information or documents or part thereof;
- e) by decision of the Public Procurement Agency, it is excluded from participating in public procurement procedures and/or concessions;
- ë) civil (industrial buildings or other state buildings) and industrial constructions designed, constructed, supervised and/or tested, where the bidder appeared in the capacity of contractor, subcontractor, suffer damages by the natural disaster event or when this damage has occurred as a result of the quality of service and/or implementation of works of the economic operator, certified by the competent authorities. The obligation to disqualify an economic operator shall also apply whenever the shareholder, partner, administrator and/or member of an administrative, management or supervisory body, shareholder or partner, held decision-making powers within a company which is in the above conditions.

6. The implementation units shall adopt the accelerated procedure, according to the provisions of this act, for the selection of the winners of the framework agreement for the reconstruction process. In any case, the competition for the framework agreement shall be made with the obligation to submit technical, legal, economic capacities with or without the obligation to submit a financial bid.

7. The implementation units shall publish in the electronic procurement system, the Notification Bulletin and in the single portal of the reconstruction process, the contract notice and the tender documents for each procurement procedure that shall take place under this act, unless otherwise provided in this act.

8. The documentation is submitted to the electronic procurement system. The deadline for receipt of documentation is 10 calendar days from the date of publication of the notice.

9. In the case of complaints about tender documents, economic operators shall submit the complaints within 2 days from the publication of tender documents to the Public Procurement Commission (PPC), which shall review the complaint and make a decision within 3 days from the date of filing the complaint, in accordance with the provisions of the Code of Administrative Procedures and this act. After this deadline and if the PPC has not deliberated its decision, the contracting authority shall follow the procurement procedure.

10. After the deadline for submission of applications for participation, as defined in the contract notice, the contracting authority shall select the candidates within 10 calendar days. Against the decision of the contracting authority for the selection of candidates, an administrative appeal can be petitioned to the PPC, within 3 days from the notification of the winning candidates. The PPC shall review the complaints and make decisions within 5 days from the date of filing the complaint, in accordance with the provisions of the Code of Administrative Procedures and this act. For time constraint reasons, the communication between the Public Procurement Commission and the contracting authority shall be done through the official e-mail. After this deadline and if the PPC has not deliberated its decision, the contracting authority shall proceed with the further steps of the procurement procedure.

11. Any complaint to the Public Procurement Commission shall be made on payment, according to the provisions of the legislation in force for public procurement.

12 An appeal may be petitioned against the decision of the PPC to the competent administrative court, in accordance with the provisions of the legislation in force for the organization and functioning of the administrative courts and the adjudication of administrative disputes. The appeal to the court shall not suspend the continuation of the procurement procedure and the conclusion of the public contract.

#### Article 43

### **Contracts concluded upon the framework agreement**

1. The contracting authority shall prepare the invitation to bid and send them only to the economic operator parties to the framework agreement.

2. The invitation to bid to the economic operators shall determine the deadlines for submission of the bids, which cannot be longer than 10 calendar days, the criteria for determining the winning bid for the contract based on the framework agreement and any other information necessary for the preparation of the bids.

3. The contracting authority, no later than 5 days from the date of receipt of bids, shall select the winning bid.

4. Immediately, but, in any case, no later than 5 days after the announcement of the winning bid, the contracting authority shall invite the winning operator to enter into a contract. Prior to signing the contract, the winning economic operator shall submit to the contracting authority a contract security of 15% of its value. Contract insurance shall take the form of a deposit or guarantee, issued by a second-tier bank or insurance company, licensed by the state authorities to carry out this activity.

#### Article 44

### **Emergency Public Procurement Procedure**

For emergency needs in the verification of damages, concluding consulting contracts, purchasing equipment of primary importance for the situation and, exceptionally, in cases of inability to use the procedures provided in this law, in order to cope with the consequences of natural disaster, the responsible authorities shall adopt the negotiated procurement procedure without announcement according to the legislation on public procurement. The public procurement procedure in this case shall be conducted in writing.

## CHAPTER VII

### PROFESSIONAL QUALIFICATIONS

#### Article 45

### **Recognition of Professional Qualifications**

1 Albanian citizens who, possess knowledge of professional or technical nature in the field of architecture, engineering, geodesy, or other professions necessary in the reconstruction process, and who, have applied and are in the process of obtaining a license, permit, authorization or a certificate for the exercise of the activity, shall be subject to an accelerated review and decision-making procedure by the responsible state authorities.

2 The National Business Centre (NBC) or the competent authority, shall take measures to carry out the accelerated review and decision-making procedure for obtaining a license, authorization, permit or certificate, according to this article, within 10 days from the entry into force of this act or from the moment of application.



Article 46

**Recognition of Professional Qualifications of Foreign Entities**

1 Foreign natural and legal persons who possess knowledge of professional or technical nature in the field of architecture, engineering, geodesy or other professions necessary in the reconstruction process, shall be subject to the accelerated procedure in order to obtain a license, permit, authorization or a certificate issued by the NBC or the competent authority, according to the legislation in force on licenses, if they possess the licensing or certification of professional qualifications, in accordance with the legislation of the foreign country whereby they exercise their professional activity. In this case, the NBC or the competent authority shall take measures to carry out the accelerated procedure of recognition and unification of the relevant permit, license or authorization, within 10 days from the date of application, together with the accompanying documentation.

2 Recognition of licenses and/or professional qualifications, according to this article, shall exempt foreign citizens from the obligation for compulsory membership in professional associations or orders until the end of the period of the reconstruction process from the state of natural disaster.

3 Recognition of licenses and/or professional qualifications, according to this article, shall remain valid until the end of the reconstruction process from the state of disaster.

CHAPTER VIII

TAX EXEMPTION AND FACILITIES

Article 47

**Tax Exemptions**

Exemptions from taxes and fees, the application fees for services in the state administration, in the framework of the reconstruction process, are provided in this act and in the special legislation for fiscal exemptions during the state of natural disaster.

Article 48

**Facilities**

1 The responsible authorities herein defined, shall cooperate with the relevant public authorities and entities so that individuals and families who have lost family members and/or have been left homeless by the natural disaster, shall benefit from facilities for payments for water and electricity consumption during the situation of the natural disaster.

2 The responsible authorities herein defined, shall cooperate with the banking sector as much as possible, so that individuals and families who have lost family members and/or have been left homeless and/or unemployed due to natural disaster events and are borrowers of Bank loans, shall be facilitated through the restructuring of loan terms and conditions during the period of natural disaster.

Article 49

**Entry into Force**

This normative act shall enter into effect immediately and shall be published in the Official Gazette.

PRIME MINISTER  
**Edi Rama**

