

MATRIX OF COMPETENCIES OF LOCAL SELF-GOVERNMENT

2019



This project is funded by
The European Union

In cooperation with:



REPUBLIKA E SHQIPËRISE
MINISTRIA E BRENDSHME

Implemented from:



URBAN RESEARCH INSTITUTE



Funded by the European Union

Matrix of Competencies of Local Self-Government

February 2019



This report was prepared by Urban Research Institute team composed of the authors Mr Edlir Vokopola, Mr Drini Nushi, Ms Entela Kallamata, Ms Marinela Spahiu, Mr Erni Kocani, with the support of Mrs Zana Vokopola, URI Executive Director.



The report was produced under the project "Matrix of Competencies", funded by the European Union, in cooperation with the Ministry of Interior.

The printing of this report was facilitated by "Municipalities for Europe", EU funded project.

Project Title: Matrix of Competencies

Funding: General Budget of the European Union
Reference No: CRIS No.: 2018/399-142
Starting Date: September 2018
End Date (Duration): January 2019 (5 months)
Contract Number: 399-142
Contracting Authority: Delegation of the European Union to Albania
Project Manager: Orlando Fusco
Address: ABA Business Centre, K. 17, Rr. Papa Gjon Pali II; 1001 Tirana; Albania
Phone: + 355 4 222 8320 ext. 441
E-mail: Orlando.Fusco@eeas.europa.eu
Contractor: Urban Research Institute
Address (Consultant): Rr: "Asim Vokshi", Nd.14, Hyrja 11, Ap. 56, Tirana, Albania
Phone (Consultant): +355 69 40 82 942
Project Director: Edlir Vokopola
Address: Rr: "Asim Vokshi", Nd.14, Hyrja 11, Ap. 56, Tirana, Albania
E-mail address: evokopola@uri.org.al
Project Team: Edlir Vokopola, Entela Kallamata, Drini Nushi, Marinela Spahiu, Erni Kocani
Address (Project): Rr: "Asim Vokshi", Nd.14, Hyrja 11, Ap. 56, Tiranë, Albania
Mobile (Project): +355 69 40 82 942
E-mail addresses: evokopola@uri.org.al
ekallamata@uri.org.al
dnushi@uri.org.al

ACKNOWLEDGMENT

This Report has been prepared by Urban Research Institute team, composed by Mr. Edlir Vokopola, Mr. Drini Nushi, Ms. Entela Kallamata, Ms. Marinela Spahiu, Mr. Erni Kocani and with the support of Mrs. Zana Vokopola, URI Executive Director. URI team highly appreciates and is grateful for the support and cooperation received from the team of the Ministry of Interior headed by the Deputy Minister Mrs. Romina Kuko and the advisors Mrs. Aida Gjika and Mr. Ledjon Shahini; including the special contribution of Mr. Fran Brahimi from the Ministry of Finance and Economy and Mr. Bekim Murati from the Agency for the Support of Local Self-Government.

URI avails this opportunity to thank the mayors and staff of Roskovec, Kamza and Korca municipalities, who devoted without any reservations to help identify the objectives, subject of this report analyses; as well as the staff of the line ministries with whom URI team met, including the Ministry of Infrastructure and Energy, the Ministry of Tourism and Environment, the Ministry of Agriculture and Rural Development, the Ministry of Health and Social Protection, who have discussed and shared information with URI team for drafting the Report.

In particular, URI team expresses its gratitude to Mr. Orlando Fusco, Project Manager at the Delegation of the European Union to Albania for the trust and special encouragement in carrying out this project.

TABLE OF CONTENTS

ACKNOWLEDGMENT	v
LIST OF BOXES	ix
LIST OF CHARTS.....	x
List of Abbreviations.....	xi
0. EXECUTIVE SUMMARY	1
0.1 Introduction.....	1
0.2. Legal Analysis.....	1
0.3 Financial Analysis.....	2
1. RELEVANCE OF THE PROJECT	5
2. METHODOLOGY	7
2.1 Outline of the matrix of competences.....	9
3. LOCAL SELF-GOVERNMENT IN ALBANIA	11
3.1. Decentralization.....	11
3.2. The Inter-Sectorial Strategy for the Decentralization and Local Government 2015-2020	12
4. LAW 139/2015 “ON LOCAL SELF-GOVERNMENT”	15
5. MAPPING OF LOCAL GOVERNMENT FUNCTIONS.....	17
5.1 Infrastructure and public services area	17
5.1.1 Drinking water production, treatment, transmission and supply Article 23/1), and the wastewaters collection, disposal and treatment (Article 23/2).....	17
5.1.2 Collection, disposal of storm waters and protection from floods in residential areas (Article 23/3)	27
5.1.3 Construction, rehabilitation and maintenance of local roads and streets and road signing, sidewalks and local public spaces (Article 23/4).....	31
5.1.4 Public space lighting (Article 23/5)	35
5.1.5 Public Transport at Local level (Article 23/6).....	37
5.1.6 Public cemetery construction, rehabilitation and maintenance, as well as provision of fu- neral public service (Article 23/7)	43
5.1.7 Public parks, gardens and green spaces (Article 23/9), Public Decoration Service (Article 23/8)	45
5.1.8 Household solid waste collection, disposal and treatment (Article 23/10).....	47
5.1.9 Pre-university facilities Construction, rehabilitation and maintenance , excluding vocation- al schools. (Art. 23/11).....	54
5.1.10 Kindergartens and nursery schools administration and regulation in the preschool system (Article. 23/12).....	59
5.1.11 Primary health care facilities construction, rehabilitation and maintenance and ... (Article. 23/13).....	62
5.1.12 Territorial planning, administration, development and control (Article. 23/14).....	69

5.2	Social Services Sector.....	73
5.2.1	Social services provision and administration at local level, for people/families in need, ... (Article 24/1);... (Article 24/3); ... (Article 24/4).....	73
5.2.2	Social housing construction and administration of buildings (Article.24/2)	83
5.3	Sector of Culture, Sports and Entertainment Services	88
5.3.1	Development, protection and promotion of cultural heritage values of local interest, ... (Article 25/1), ... (Article 25/2), ... (Article 25/3).....	88
5.3.2	Organization of sport and recreational activities, development and administration of institutions and facilities related to the exercise of these functions (Article 25/4)	96
5.4	Environmental Protection Sector.....	98
5.4.1.	Guarantee the protection of air, soil and water from pollution, at local level. (Article 26/1), ... (Article 26/2), ... (Article 26/3).....	98
5.5	Agriculture, Rural Development, Public Forests and Pastures, Nature and Biodiversity Sector	105
5.5.1	Administration, use and maintenance of irrigation and drainage infrastructure, transferred in ownership, as defined by the law (Article 27/1)	105
5.5.2	Administration and protection of agricultural lands and other categories of resources, ... (Article 27/2).....	110
5.5.3	Establishment and administration of the local information system and agricultural and rural advisory ... (Article 27/3)	113
5.5.4	Creation and administration of local schemes for agriculture and rural development grants ... (Article 27/4).....	114
5.5.5	Forestry and pastures public fund administration (Article 27/5)	114
5.5.6	Nature and biodiversity protection (Article 27/6)	123
5.6	Local Economic Development Sector	123
5.6.1	Drafting strategic development plans and programs for local economic development (Article 28/1), ... (Article 28/2), ... (Article 28/3), ... (Article 28/4), ... (Article 28/5), ... (Article 28/6).....	124
5.7	Public Security	127
5.7.1	Civil protection at local level and administration of relevant structures (Article 29/1)..	127
5.7.2	Fire protection service at the local level, and administration of relevant structures (Article 29/2).....	133
5.7.3	Ensuring community relationship welfare, prevention of and mediation in resolving conflicts in the community (Article 29/3),... (Article 29/4).....	138
6.	FINANCIAL ADEQUACY OF FUNCTIONS	143
6.1	Financial adequacy principle.....	143
6.2	Regulation of the financial adequacy principle.....	143
6.2.1	Financial adequacy of own functions financed from the unconditional transfer.....	144
6.2.2	Financial adequacy of new own functions.....	144
6.2.3	Financial adequacy of transferred functions financed by specific transfers	145

6.2.4	Financial adequacy of delegated functions financed by conditional transfers.....	146
6.2.5	Financing of transferred functions 2019-2021	146
6.2.6	Financial planning framework of local self-governance functions.....	147
6.2.7	Financial adequacy related to central government fiscal policy.....	148
6.3	The protection in court of the right to adequate financial resources.....	150
6.4	Ongoing projects of local financial adequacy	150
7.	CONCLUSION OF THE ANALYSIS	153
7.1	Summary Of Local Government Autonomy.....	153
	ANNEX A: FINDINGS AND RECOMMENDATIONS BY PRIORITY LEVEL.....	161
	ANNEX B: LEGAL BASIS OF THE FUNCTIONS	185
	ANNEX C: CONSULTED REPORTS AND DOCUMENTS	211
	ANNEX D: MUNICIPALITY CONSULTED STAKEHOLDERS	213
	ANNEX E: CONSULTED STAKEHOLDERS AT CENTRAL LEVEL	215
	DIGITAL ANNEX.....	217

LIST OF BOXES

Box 1:	17	Box 10:	83
Strategic Directions for the drinking water production, treatment, transmission and supply function, and the wastewaters collection, disposal and treatment		Strategic Directions and MTR findings for the function of social housing construction and administration of buildings	
Box 2:	31	Box 11:	88
Strategic Directions for the function of construction, rehabilitation and maintenance of local roads and streets and road signs, sidewalks and local public spaces and public transport		Strategic Directions and MTR findings for the function of development, protection and promotion of values and cultural heritage of local interest, as well as the administration of facilities related to the exercise of these functions	
Box 3:	37	Box 12:	96
Strategic Directions for the function public transport at local level		Strategic Directions and MTR findings for the function of organization of sport and recreational activities, development and administration of institutions and facilities related to the exercise of these functions	
Box 4:	47	Box 13:	98
Strategic Directions for the function of household solid waste collection, disposal and treatment		Strategic Directions and MTR findings for the function of Environmental protection	
Box 5:	54	Box 14:	105
Strategic Directions for the function of Pre-university facilities construction, rehabilitation and maintenance, excluding vocational schools; kindergartens and nursery schools administration and regulation in the pre-school system.		Strategic Directions and MTR findings for the function of irrigation and drainage infrastructure administration, usage and maintenance transferred in their ownership	
Box 6:	62	Box 15:	114
Strategic Directions and MTR findings for the function of primary health care facilities construction, rehabilitation and maintenance and organization of educational and promotional activities at local level related to health protection, as well as administration of centres and other services in the field of public health.		Strategic Directions and MTR findings for the function of forestry and pastures public fund administration	
Box 7:	69	Box 16:	123
Strategic Directions for the function of territorial planning, administration, development and control		Strategic Directions and MTR findings on local economic development	
Box 8:	73	Box 17:	127
Strategic Directions for the function of social care		Strategic Directions and MTR findings for the function of public security	
Box 9:	78	Box 18:	133
Strategic Directions and MTR Findings for the function of establishing of the social fund, in cooperation with the ministry responsible for social protection for financing the services.....		Strategic Directions and MTR findings for the function of Fire Protection Service at local level, and relevant structures administration	
		Box 19:	138
		Strategic Directions and MTR findings for the function of ensuring community relationship-performance, prevention and mediation in resolving conflicts in the community.	

LIST OF CHARTS

Chart 1:	19	Chart 14:	76
Organization chart for the function: drinking water supply (Article 23/1), and wastewaters (Article 23/2)		Organization chart for the function: Managing economic assistance for the people/families in need and persons with disabilities(Article. 24/1_2_3)	
Chart 2:	28	Chart 15:	79
Organization chart for the function: Storm waters collection, disposal and protection from floods in residential areas (Article 23/3)		Organization chart for the function: Social care services management and construction and administration of centres for social care services provision (Article. 24/1_2_3)	
Chart 3:	32	Chart 16:	83
Organization chart for the function: Construction, rehabilitation and maintenance of local roads and streets and road signing, sidewalks and local public spaces (Article 23/4)		Organization chart for the function: Social housing construction and administration of buildings (Article. 24/2)	
Chart 4:	35	Figure 17:	89
Organization chart for the function: Public space lighting (Article 23/5)		Organization chart for the function: Development, protection and promotion of cultural heritage of local interest, (Article. 25/1_2_3)	
Chart 5:	39	Chart 18:	96
Organization chart for the function: Public Transport at Local Level(Article 23/6)		Organization chart for the function: Organization of sport and recreational activities, development and administration of institutions and facilities related to the exercise of these functions (Article 25/4)	
Chart 6:	43	Chart 19:	99
Organization chart for the function: Public cemetery construction, rehabilitation and maintenance, as well as provision of funeral public service (Art 23/7)		Organization chart for the function: Guarantee, at local level, the protection of air, soil and water from pollution. (Article 26/1), measures for protection against acoustic/noise pollution (Article 26/2), development of educational and promotional activities at local level related to environmental protection (Article 26/3)	
Chart 7:	46	Chart 20:	108
Organization chart for the function: Public parks, gardens and green spaces (Article 23/9), Public Decoration Service (Article 23/8)		Organization chart for the function: Irrigation and drainage infrastructure administration, use and maintenance	
Chart 8:	49	Chart 21:	110
Organization chart for the function: Household solid waste collection, disposal and treatment (Article 23/10)		Organization chart for the function: Agricultural lands administration and protection (Article 27/2)	
Chart 9:	55	Figure 22:	115
Organization chart for the function: Pre- university facilities construction, rehabilitation and maintenance, excluding vocational schools (Article 23/11)		Organization chart for the function: forestry and pastures public fund administration	
Chart 10:	59	Charts 23:	124
Organization chart for the function: Kindergartens and nursery schools administration and regulation in the preschool system (Article. 23/12)		Organization chart for the function: Local Economic Development	
Chart 11:	63	Chart 24:	128
Organization chart for the function: Primary health care facilities construction, rehabilitation and maintenance (Article. 23/13)		Organization chart for the function: Civil protection at local level and administration of relevant structures	
Chart 12:	66	Chart 25:	133
Organization chart for the function: Organization of educational and promotional activities at local level related to health protection, as well as administration of centres (Article 23/13)		Organization chart for the function: Fire Protection Service at local level, and relevant structures administration	
Chart 13:	70		
Organization chart for the function: 5.1.12 Territorial planning, administration, development and control (Art. 23/14)			

LIST OF ABBREVIATIONS

ARD	Albanian Road Authority
CM	Council of Ministers
CoE	Council of Europe
WCDDT	Wastewater collection, disposal and treatment
CSO	Civil Status Offices
DCEPR	Directorate for Civil Emergency Planning and Response
DCM	Decision of the Council of Ministers
DID	Directorate of Irrigation and Drainage
FPR	Fire Protection and Rescue
GDCS	General Directorate of Civil Status
GDFPR	General Directorate of Fire Protection and Rescue
GLP	General Local Plan
HCS	High Council for Sport
HCSO	Health Care Services Operator
HSC	High State Control
IFF	'International Federation of Association Football
IMCCE	Inter-Ministerial Committee for Civil Emergencies
IPH	Institute of Public Health
IWM	Integrated Waste Management
JSC	Joint stock company
LAPD	Land Administration and Protection Directorate
LAPS	Land Administration and Protection Section
LGU	Local Government Units
LMPO	Land Management and Protection Office
LPC	Land Protection Committee
LPI	Land Protection Inspectorate
LPSC	Land Protection State Committee
LPSI	Land Protection State Inspectorate
MARD	Ministry of Agriculture and Rural Development
MC	Municipal Council
MCDCW	Medical Commission for the Determination of Capacity for Work
MESY	Ministry of Education, Sports and Youth
MFE	Ministry of Finance and Economy
MHSP	Ministry of Health and Social Protection
MIE	Ministry of Infrastructure and Energy
MC	Ministry of Culture
MoI	Ministry of Interior
MSE	Minister of State for Entrepreneurship
MTE	Ministry of Tourism and Environment
MTR	Mid-Term Review
NBC	National Business Centre
NCCEC	National Council of Civil Emergencies and Crises
NCCPI	National Council of Cultural Property Inventory
NCFA	National Centre of Folklore Activities
NCICH	National Council of Intangible Cultural Heritage

NCLD	National Commission on Large Dams
NCM	National Council of Museums
NCSDLG	National Crosscutting Strategy for Decentralization and Local Governance
NCTCH	National Council of Tangible Cultural Heritage
NEA	National Environment Agency
NFA	National Food Authority
NICH	National Institute of Cultural Heritage
NIPCH	National Inspectorate for the Protection of Cultural Heritage
NIRCH	National Institute for the Registration of Cultural Heritage
NRC	National Regulatory Commission
NSLD	National Secretariat on Large Dams
NTC	National Territorial Council
NTPA	National Territorial Planning Agency
NWC	National Water Council
NWSSWA	National Water Supply-Sewerage and Waste Infrastructure Agency
ILP	Inspectorate for Land Protection
OACAP	Offices for the Administration and Coordination of Archaeological Parks
PTCD	Permanent Technical Council on Dam
PTTSDW	Production, treatment, transmission and supply of drinking water
PWD	People with Disabilities
RBA	River Basin Agencies
RBAO	River Basin Administration Offices
RBC	River Basin Councils
RBMA	River Basin Management Agencies
RC	Regional Councils
RDCH	Regional Directorates of Cultural Heritage
REA	Regional Environmental Agency
RED/EO	Regional Education Directorates/Education Offices
RHA	Regional Health Authority
RoA	Republic of Albania
SAC	State Aid Commission
SSI	State Sanitary Inspectorate
SSS	State Social Service
TID	Technical Inspectorate on Dam
WRA	Water Regulatory Authority
WSS	Water Supply and Sewerage

0. EXECUTIVE SUMMARY

0.1 INTRODUCTION

The purpose of this analysis is to provide recommendations to the Ministry of Interior, responsible for coordination with the local government and local elected associations, on steps that need to be taken to ensure in the sectorial legislation relevant to local self-governance the extent of local autonomy set out in the Cross-Cutting Strategy of Decentralisation and Local Governance.

To this purpose, around 400 legal and sub-legal acts have been reviewed, which regulate the various sectors involving the exercise of functions by the local self-government units.

The improvement of the sectorial legal and institutional framework and its harmonization with the law on local self-government, while also the improvement of the law itself, are of utmost importance for increasing the efficiency of local self-government units, which is the vision of the Strategy; it is also important for the sustainable development of this governance tier, as one of the main objectives of the Strategy.

The report constitutes an instrument that will help both tiers of governance share a similar understanding of the current legal and institutional framework which is relevant to the local self-government functions.

The implementation of the recommendations provided in this report will require the revision of the Strategy along with the timeline of implementation, and financial and human resources needed, allowing for progress towards the ongoing challenge for decentralization and democracy.

0.2. LEGAL ANALYSIS

From the distribution of the administration and regulation activities of the local self-government functions between the central and local government, the following may be inferred of the distribution of responsibilities for the execution of the functions.

First, the responsibility for the regulation of functions doesn't generally lie with the local self-government, while being largely concentrated in the central government, and typically in the Council of Ministers; regulation is a responsibility of the local self-government only for local public transport and administration and regulation of the pre-school system in nurseries.

Second, regarding the administration of functions, an uneven distribution of responsibilities is observed between the two levels of government, depending on the sector.

For functions which have historically been under the responsibility of the local self-government no substantial developments are observed in relation to the decentralization objectives. It is worth mentioning one of the most important functions of the LGUs: the production and supply of drinking water, and wastewater disposal and treatment, for which, in addition to the main regulations, also the manner of execution is determined from the central government.

Further, kindergartens administration and regulation can be considered as LGUs own function. All the regulations and the main part of the administration of this function are still carried out by the central government.

The collection, disposal and treatment of household solid waste, which historically has been under the responsibility of the LGUs, has undergone centralization, due to the limitation of the

competence for determining the service tariff.

It is observed a better regulated local autonomy in the case of the new functions transferred to the LGUs in comparison with those historically under the responsibility of LGUs. It's worth mentioning the firefighting service, the irrigation and drainage infrastructure administration, as well as the forestry and pasture fund administration.

At the same time, several local self-governance new functions are not yet accompanied with the necessary legal amendments, making it difficult to exercise the functions of LGUs. It is worth mentioning the function of administration and protection of agricultural land, where local government units are still dependent on the regional councils that have the main competencies for the implementation of this function (inspection and decision making for measures).

Environmental protection and biodiversity, closely linked to the agricultural land administration and protection, forestry and pasture management, has not been revised in any way to reflect the new area of competence of the LGUs, in line with the amendments to the sectorial legislation on forestry and pasture fund services.

One function may be considered as not executable by LGUs: the grant management in agriculture and rural development. Sectorial law provides for the Payments Agency as the responsible institution for the administration of this function.

The lack of necessary legal acts to facilitate the implementation of functions by LGUs is reflected in the following functions: collecting and removing rainwater and flood protection in residential areas (Article 23/3), social housing construction and administration (Article 24/2), the entire culture sector (Article 25/1/2/3), creation and administration of the local information and agricultural and rural advisory information system (Article 27/3). Furthermore, the functions for primary health care buildings construction and the public health centres administration (Article 23/13) need legal amendments with regards to the planning, in order to be executable.

2

0.3 FINANCIAL ANALYSIS

In the European Charter on Local Self-Government, as well as in the Albanian legislation on local self-governance, the principle of financial adequacy of own and delegated functions of the local self-government is regulated only by the criterion of financial resources commensurable to the cost of exercising the functions. Consequently, the fulfilment of this principle from the central government is dependent on the methodology for calculating or evaluating the cost of exercising the functions.

Unlike the Charter, law 139/2015 determines the adequacy of financial resources to be dependable on the legal standards and norms required for exercising the functions of local self-government, which, in turn, must be included in the functions cost. This definition is not fully reflected in law 68/2017, where the necessary financial resources reach the level of the historical cost of exercising functions from the central government before their decentralization; into the historical cost, the level of legal standards and norms is not necessarily the one required by law. This means that, in comparison to law 139/2015, law 68/2017 reduces the potential amount of financial resources which are adequate to be financed from the central government for local self-government.

Law 68/2017 "On the finances of local self-government" does not state that the size of the unconditional transfer for own functions of local self-government shall be in proportion to the cost of exercising functions, nor dependable on the legal standards of their exercise.

Law 139/2015 provides no definition of what are national standards and norms of exercising a function. Most importantly, their relation with national and regional policies is not defined. This definition is important considering that both are basis of the principle for exercising a function

given in the law, while only standards and norms are criteria for the principle of financial adequacy.

The way of ensuring the fulfilment of the principle of financial adequacy of local self-government functions through the mid-term budgeting system of the LGUs is not clear. In particular, it is not clear the extent at which legal standards and norms of a function are included in the calculation or estimation of its cost through the expenditure program.

The financial planning framework of the local self-government functions, therefore, of their administration too, does not have a unified and clear direction, which may allow for the estimation of the amount of financial resources which are adequate for the exercise of the functions; it is directed from national and regional policies, however, it is not clear how and to what extent it is directed from the national minimum standards and norms.

Through the mid-term budgeting system of the local self-government functions, the main information of the MFE about the cost of exercising functions comes from the calculations and estimations of the local self-government administration itself, while there are no direct instruments of the MFE to carry out these calculations and estimations.

Central government reports, as required by law 68/2017 "On the finances of local self-government", articles 26 and 27, which are to provide information (and be consulted in the Consultative Council) on the currently achieved standard of a function across LGUs, have never been prepared until today.

1. RELEVANCE OF THE PROJECT

The purpose of this analysis is to make recommendations to the Ministry of Interior, responsible for co-ordination with the local government and the associations of local elects, on the next steps to be taken to meet the extent of local autonomy set out in the Cross-Sectorial Strategy for Decentralization and Local Governance 2015-2020, through the revision of sectorial legislation, as well as of the law 139/2015.

The analysis involves the review of about 400 legal and sub-legal acts from various sectors affecting the exercise of functions by the local self-government units.

The latest decentralization reform in the country started with law 139/2015 “On Local Self-Government” and law 68/2017 “On the finances of Local self-government finance” and should continue with the analysis of sectorial laws in order to help harmonize the distribution of authority in the two levels of governance for each area of the functions of local self-governance. The two monitoring reports for the implementation of the Strategy, drafted respectively in 2016 and 2017, have consistently identified that the lack of legal harmonization is present in many areas of functional activity of local self-government, and in particular the new functions that have been transferred to this level of government by law 139/2015 and within the Territorial and Administrative Reform of 2015.

The improvement and harmonization of the sectorial legal and institutional framework is of utmost importance in order to increase the efficiency of local self-government units, in line with the vision of the Strategy; it also ensures the sustainable development of this governing level, which in itself constitutes one of the main objectives of the Strategy.

The aim of the analysis is not to assess whether local self-government bodies have the capacity to self-govern to the extent of autonomy as defined in the Strategy and law 139/2015, but to assess how much is this measure according to the Strategy and the law 139/2015, and to what extent has it been fulfilled until 2018 through sectorial legislation.

The report constitutes an instrument that will help the parties share a similar understanding of the current legal and institutional framework as well as to recommend the following steps to pave the way towards system harmonization so as to achieve effective implementation of the Strategy.

The implementation of recommendations provided in this Report will require a revision of the Strategy along with the respective timelines of implementation, and financial and human resources necessary, to advance the implementation of the ongoing challenge of decentralization and democracy.

2. METHODOLOGY

Based on the Constitution of the Republic of Albania and the deriving legislation, in particular the law on local self-government, the governance system in Albania consists in two levels:

1. central government level, and
2. local self-government level.

The second level, i.e., the local self-government is organized in two tiers:

3. municipalities (61), which stand at the first tier, and
4. regional councils (12), which stand at the second tier.

The legal analysis is developed for each local self-government function based principally on law 139/2015 “On local self-government” and on the sectorial legal framework that is currently in force. Findings from the analysis are categorized as legal gaps, overlaps and inconsistencies with regard to the definition of terms, implementation aspect and monitoring and evaluation for each specific function. This categorization is understood according to the following definitions:

- *legal gap* means total or partial lack of regulation of a function or part of it in legal acts;
- *legal overlap* means legal responsibility for the same function or part of it which is of both central and local self-government bodies;
- *legal inconsistency* means regulations of part of a function by legal acts which are in conflict with one another or are not clear in relation to one another, are in conflict with the law 139/2015 “On local self-government”, or hinder the effective implementation of functions from one or another government level.

The **definition** of each function is analysed according to the organic law of the respective sector and within the scope of the local self-government’s legal responsibilities.

The **implementation** of each function is analysed in reference to the sector legal framework which is currently in force, and disaggregated by its components. A *function’s component* represents the activity which is subject to (i) regulation and (ii) administration from the local self-government, consequently, of the processes that are comprised within a particular function following the definition given in law 139/2015, comprising:

- a. general rules and norms of behaviour,
- b. minimal standards for service delivery as per the law,
- c. planning,
- d. financing, and
- e. organization.

The function’s components derive from the organic law of the respective sector/areas of functions.

The analysis takes into consideration every component of a function including those which are not determined in the legal framework of the respective sector legislation that is currently in force, but is indeed implemented as subject to regulation and administration from the municipalities, in reference to Article 32(2) of law 139/2015 on public service administration.

The Analysis does not take into consideration legal gaps, overlaps and inconsistencies relevant to central government institutions and which do not affect the exercise of the local self-government functions.

Monitoring and evaluation of each function is analysed within the scope of the definitions of law 139/2015. According to it, the implementation of local, minimal national norms and standards of the local self-government functions are subject to monitoring.

- Local self-government authorities are monitored by the central government authorities in relation to the following subjects:
- *Implementation of minimal national norms and standards of the functions determined in the respective sectorial law; monitoring is performed from the respective line ministries according to their area of competence;*
- *Implementation of minimal national norms and standards in public finance management determined in the respective sector law; financial supervision and control is performed from the Ministry of Finance and Economy.*
- *Local self-government authorities monitor and evaluate the implementation of local and/or minimal national standards of functions through a performance administration system, as part of their responsibility for public service administration.*

Currently, local self-government authorities have not yet established a public service performance administration system, consequently, no systematic monitoring and evaluation of local and/or minimal national standards of functions is performed.

With the local performance administration system not yet established, the analysis takes into consideration only the monitoring and evaluation by the line ministries of the implementation of the minimal national norms and standards of functions, as determined in the respective sector legislation.

8

The **financial resources** of the local self-governance units are analysed within the financial sufficiency principle of their functions, in accordance with the purpose of the project to clarify the responsibilities of both levels of government in relation to the functions of local self-governance.

On the basis of this principle, for each function transferred or delegated to local self-government, the central government should transfer financial resources in proportion to the cost of their exercise. Consequently, the analysis of the allocation of financial resources from central government to local self-governance for the transferred or delegated functions raises the question whether the above transfers are in proportion to the cost of exercising the new functions.

This analysis took into consideration the transfers of the central government for exercising its own functions, which are transferred to the local self-governance which are as follows:

- Unconditional transfer,*
- Conditional transfer for the delegated functions,*
- Specific transfers for the new transferred functions,*

The analysis is built according to the financial sufficiency principle of the local self-governance, which was designed by the Council of Europe for all 47 member states¹, in 2016.

The source of quantitative and qualitative data for the analysis is the Ministry of Finance and Economy.

¹ For a full reference to the document of the Council of Europe on the financial sufficiency read through the bibliography section of this report.

2.1 OUTLINE OF THE MATRIX OF COMPETENCES

The distribution of responsibilities between the two tiers of governance in regard to the administration, regulation, monitoring and evaluation of the functions of the local self-governance is represented graphically as follows:

1. **The organizational chart** of the institutions that are jointly responsible for exercising the function, and which represents the hierarchy of institutions of each governance level and their interdependence as specified in the respective sectorial legislation;
2. **Function administration matrix** – This matrix is designed based on the components of the function specified in the sectorial legislation, and which are grouped according to the definition of the function in law 139/2015 “For local self-government”, and in some cases grouped according the definition of the respective sectorial legislation. The processes of (i) planning and (ii) organization, which constitute the administration of the functions as defined in law 139/2015, are dealt with for each group of components/functions.

ADMINISTRATION OF THE FUNCTION	
Function	Responsible Institution
Planning	
Components	
Organization	
Components	

3. **The function regulation matrix** presents the functions administration standards which are object of regulation according to sectorial law, together with the institutions responsible for their design.

REGULATION OF THE FUNCTION	
Object	Responsible Institution
Standards	

4. **The monitoring and evaluation matrix** of the function presents the standards of the administration of the function which are object for monitoring and evaluation according to sectorial legislation, together with:
 - c. The subject which is monitored for implementing these standards, which can be an institution of the central government, local government, or a legal person,
 - d. The responsible institution of monitoring and evaluation,
 - e. The responsible institution for imposing sanctions for administrative infringement.

The system for monitoring and evaluation is presented according to the function, together with the responsible institution for its implementation.

MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Responsible Institution imposing sanctions
Standards			
System			

3. LOCAL SELF-GOVERNMENT IN ALBANIA

3.1. DECENTRALIZATION

The present state of local self-government is a result of the dynamics of political, economic, and social transition factors, as well as Albanian history, tradition, culture and social psychology. Though the action / impact of these factors has been twofold, and the main steps taken in favour of decentralization were largely based on centralized political objectives, all processes have been stimulating and progressive, although with varying speeds and stretches.

Local government in Albania before the 1990s was essentially a deconcentrated government with limited self-governing bodies within the framework of a deeply centralized decision-making system. This government was in charge of managing the implementation of centralized and detailed economic plans of the government.

In the 1990s, the system was oriented towards a more decentralized model and autonomous local government. In August 1992, the first local government bodies were established under the then Law on Organization and Functioning of Local Government - June (1992), which at that time was a very important achievement. Some of the services and functions of direct benefit to the public were transferred to the local authorities, along with more administrative and financial autonomy. However, despite the sustainability of political autonomy, fiscal and administrative autonomy remained very limited.

Decentralization, since 1998-1999, has been the focus of Government policies. The first small steps were implemented mainly in the budget and fiscal fields. From these first steps, decentralization reform has progressed steadily during 1999 and 2000 based on the 1998 Constitution, the European Charter of Local Self-Government (ratified in November 1999) and the National Strategy on Decentralization adopted in January 2000. Law on Organization and Functioning of Local Government, no. 8652, dated July 31, 2000 was then considered as a very important step in the actual decentralization process in Albania as one of the country's major reforms with significant influence on other reforms such as public finances, public administration, public services, education, health and social assistance.

From 2000 onwards, a series of laws were drafted, the implementation of which created special conditions for effective local government and relative autonomy, but still with limitations compared to the first years of political transition in Albania. However, the restrictions on financial resources and discretion in resource allocation have continually limited local autonomy.

The Decentralization Reform is fully addressed in 2015 when the Cross-cutting Strategy for Decentralization and Local Governance 2015-2020 (NCSDLG) was drafted and approved in July 2015. The new strategy was preceded by an intensive reform of administrative-territorial consolidation by adopting law no. 115/2014, "On the Administrative-Territorial Division of Local Government Units in the Republic of Albania", which reduced the number of local units from 373 (308 communes and 65 municipalities) to 61 municipalities, however, with an administrative jurisdiction that was bigger imagined.

The reform was catalysed by the drafting and adoption of the new Law 139/2015 "On Local Self-Government" which further extends the scope of competencies, seven new functions, bringing the total number of local functions to 41. Following this, Law no. 68/2017 "On the finances of local self-governance" was adopted; all three of these laws have reshaped the authority of local government in the context of territorial jurisdiction, legal competence and financial resources.

The implementation of the local decentralization reform has clearly aimed at increasing the responsibilities of local government units in many public sectors, mainly services that generally acknowledge that are more efficient when exercised by the governing level that is closer to the citizens.

However, based on many reports, including here this report and the matrix it includes, which analyses the effects of implementing the strategy and the effectiveness of the activity of LGUs, achieve the same conclusions regarding the challenges faced by this reform and which regard minimally: (i) the sufficiency of financial resources and the discretion of LGUs regarding the distribution of the said resources; (ii) the compatibility/compliance of LGU's organic law with other sectorial laws; (iii) the scarcity of resources and human capacities; (iv) the extent and quality of the provision of public services, and (v) the effectiveness of the exercise of LGU functions.

3.2. THE INTER-SECTORIAL STRATEGY FOR THE DECENTRALIZATION AND LOCAL GOVERNMENT 2015-2020

The overall objective of the Cross-cutting Strategy for Decentralization and Local Governance 2015-2020 is: "Strengthen local governance and the decentralization process in order to ensure a higher efficiency of local government and increase financial and functional autonomy". In the area of its functions, the main objectives of the NCSDLG 2015-2020 are as follows:

- To revise and improve the legal framework for exercising its functions;
- To improve the quality of infrastructure based on the national obligatory minimal standards which are to be defined;
- To ensure sustainable local economic development through projecting and implementing a suitable framework for policies and mechanisms for their coordination.

NCSDLG 2015-2020 completed the second implementation phase in July 2017 and has entered into the third one. The revision and redefinition of the legal and institutional framework of local self-government is part of its strategic priorities, as it argues that shared functions and competencies are vague, stemming mainly from the deficient and unclear legal framework regulating the structure, roles and competences of the central and local authorities at regional and local level; creating uncertainty and ambiguity on the role of local government and deconcentrated institutions with regard to shared functions.

The progress of implementation of the decentralization strategy has been evaluated through two Annual Monitoring Reports dating 2016 and 2017. Recently, through the Mid-Term Review Report (MTR), the level of implementation for the first three years of NCSDLG 2015-2017 has been evaluated.

The new law on local self-government reviewed the power of the mayors in order to strengthen their supervisory power over the internal administration and the management of the municipality properties, as envisioned in the strategy.

The municipal council takes a greater role in monitoring and controlling the performance of the municipal administration in relation to council decisions and citizens' expectations. This legal amendment places the City Council's role in a new setting, positioning it as the main representative body of community interests. At the same time, legal amendments strengthen the elements of public accountability of advisers in the performance of their function and the prevention of corruptive phenomena frequently encountered in the municipal council decision-making, defining them as subject to legislation on conflict of interest.

The second monitoring report finds that the main results achieved are: establishment of the Consultative Council, as the main instrument for institutional coordination and monitoring of the

decentralization reforms and strategy implementation; approval of the Law on Local Finances, aiming to increase local fiscal autonomy and effective and efficient financial management at the local level, harmonizing legislation related to public finance management, increasing transparency, accountability and local financial sustainability.

The adoption of the new law on the prefect of the region reviewed the role of the prefect against the coordination of central authorities at the regional level; the role of the Prefect in monitoring the legitimacy of local government operations has been strengthened slightly (Articles 15-17); such as in the creation of working groups and the task force, with the mandatory participation of central and local government units to pursue national-level policies or regional emergencies.

The adoption of the law on irrigation and drainage begins the process for full decentralization of this function; meanwhile, an irrigation / drainage strategy is being developed. Regardless of the progress made in the legislative aspect, the implementation of the reform in this function continues to face problems in drafting sub-legal acts and especially in facilitating the relationship between Drainage Boards and Municipalities.

The same is true for the forestry and pasture system. A special DCM has made possible to transfer 100% of forests and pastures to 61 new municipalities; despite there is some ambiguity present in the transferred budget, there lack sub-legal acts that clarify municipal competencies and the correct allocation of borders between the LGUs.

The situation is also the same for other functions that have recently been transferred to LGUs, such as in the areas of law and order, civil protection, education and public health, as well as in the field of culture and sports where the sub-legal framework is completely missing.

However, according to MTR, the strategy leaves out some key issues and some outstanding issues that are very important to local government units: other interconnections that exist between decentralization and regional policy; the role of regions; national and local prerequisites for financing local/regional development or further directions for the development of the intergovernmental transfer system (mainly conditional grants).

A system for monitoring the performance for Local Government Units will be developed as a mechanism for ensuring accountability of the public administration and the efficiency in procuring services at a local level.

4. LAW 139/2015 “ON LOCAL SELF-GOVERNMENT”

Law 139/2015 is a step forward in the process of decentralization of governance in Albania; more functions have been transferred to the municipalities which are believed to be more efficiently and effectively provided by the government level closer to the citizens, but even though this law contains some other elements that encourage interinstitutional co-operation, they clearly share competencies between self-government, increase the discretion of LGUs on financial resources, as well as the assumption on increasing the role of civil society and citizens in general.

Nonetheless, a short analysis of this law will make the analysis of the institutional framework and sectorial law more understandable. The institutional framework and sectorial law will be presented in the following sections of this report and perhaps will make us reflect and accept the need for change which contributes to this mission.

This analysis is supported by the European Charter of Local Self-Government (Charter) to clarify some of the basic definitions expressed in the law and their interpretation to dissolve the misunderstanding that comes through legislation and sectorial institutions.

This analysis is strictly limited on defining the understanding of the expressions of “**functions**” and “**own functions**”, as well as the instruments of “**administration**” and “**regulation**”.

Law 139/2015 “On Local Self-Government” defines the functions, [rights] and [duties] of the of local self-governance units and the relevant bodies and the concept of general competence as a legal right to exercise functions by local self-government bodies.

Article 4/1 of law 139/2015 defines “The bodies of local self-government units act on the basis of the local autonomy principle”.

Article 21/1 defines “Local self-government units exercise functions, competences, as well as delegated functions”.

Article 22/1 defines “Local self-government units **regulate** and **administer** the exercise of **their functions** in a full and independent manner, in compliance with the Constitution, the European Charter of Local Self-Government, and the legislation in force”.

These provisions constitute very important concepts for which the law has laid down in Article 2 certain definitions which facilitate the understanding of the following terms:

- “**Local Autonomy**” is the right and the ability of local self-government units established under the Constitution and this law and within its limits **to regulate** and **administer** a substantial part of public affairs under their responsibility and in the interest of the community.
- “**Function**” is the field of activity for which the unit of local self-government is responsible and has the legal competence to exercise it freely, wholly or in part, in accordance with laws and by-laws.
- “**Competence**” is the authority granted by law to a body of local self-governance units to perform a function or part of it.
- “**Delegated Functions**” are those functions of the central government, the exercise of which is delegated to the units of local self-governance.
- “**Regulation**” is the right to define general and normative rules of conduct as well as mandatory standards in accordance with the law.

- “Administration” is the right to *plan, finance, and organize* the exercise of a function.

Referring to the definitions above, the LGUs exercise their “own functions” (Article 23 and following) to Article 2 which gives a general definition of the meaning of “function” while lacking a specific definition of what we mean by “Own function” of LGUs. Such a definition would clarify the content of functions that LGUs exercise in the sense of this law.

In our understanding, and on the basis of the right of “local autonomy”, within the exercise of its functions, we realize that LGUs have the constitutional right to **regulate** (Article 2/9) and **administer** (Article 2/1) the exercise of its own functions; in this context the LGUs have the right “to define general and normative rules of conduct and mandatory standards in accordance with the law” and “the right to plan, finance and organize the exercise of a function” as defined in point 1 of Article 22 of this Law.

When analysing the functions provided in Articles 23-29, and referring to the above logic, we find, for example, that only the function “administering and regulating pre-school education in kindergartens and nurseries(Article 23/12) and” ... functions that are not defined by sectorial laws ... (Article 32/2) can be strictly considered as “own functions” of LGUs.

The following question may be raised in this dispute: - What other functions (e.g. “collection, disposal and treatment of solid and household waste” or “waste water collection, disposal, treatment”) are they functions of LGUs, or do they simply exercise some power over some or a set of aspects of functions as such in general?

This ambiguity is also ascertained by the “Opinion of the Council of Europe on the Draft Law on Local Self-Government”, dated 12 October 2015, before its approval in the Parliament.

To answer this question, consideration may be given to the **Recommendation** to open a discussion with stakeholders in order to make some adjustments to Law 139/2015 that specifies the concepts of certain legal provisions specifically related to the definition of “their own functions” of the LGUs and their expression in respect of these “regulated” concepts in sectorial legislation whenever the harmonization of the separation of legal authority between local authorities and the central government is required.

5. MAPPING OF LOCAL GOVERNMENT FUNCTIONS

5.1 INFRASTRUCTURE AND PUBLIC SERVICES AREA

Infrastructure and public services area consists of 14 functions which generally represent construction activities mainly related to water supply and sewerage, rainwater disposal, drainage, construction of roads property of LGUs, cemeteries, public lighting, , public spaces, municipal solid waste management, pre-university education facilities and nursery schools and health service buildings. Public services in this area consist of public road transport service, administration of kindergartens and nursery schools, public health centres, administration of funeral service and services in the field of territorial planning and development.

5.1.1 DRINKING WATER PRODUCTION, TREATMENT, TRANSMISSION AND SUPPLY ARTICLE 23/1), AND THE WASTEWATERS COLLECTION, DISPOSAL AND TREATMENT (ARTICLE 23/2)

• Box 1 •

Strategic Directions for the drinking water production, treatment, transmission and supply function, and the wastewaters collection, disposal and treatment

Strategic Directions

- *Development of the legislation on public services/utilities will be a short-term priority. In the framework of administrative-territorial reform, water supply and sewage utilities and their assets will be reconfigured/merged in accordance with the new administrative division of 61 LGUs.*
- *The entire regulatory and financial framework will be reviewed to establish new standards in the system of water production, distribution and management of polluted water, a midterm priority.*

Midterm situation of the function

- The review of the scheme of functions and competences in the water supply and sewerage sector has reconfigured the water supply and sewerage companies to mirror the new local government boundaries, strengthening the municipal oversight and accountability in water management.
- Local governments also perform other water related functions; such as participation in the water basin regional committees (deriving from sector laws). At the same time, there is a need to strengthen municipalities' monitoring authorities, in particular with regard to water resources management.
- MTR reports that central government has recently embarked in a process of developing water sector-specific legislation
- The government has developed a masterplan on wastewater treatment utilities, which foresees the need to revisit wastewater disposal tariffs.
- The sector needs urgent major investment, which cannot be secured without state budget support. The financial gap for the sector is significant, also due to lack of maintenance over the years.

PTTSDW and WSS service are characterized by sub components of, water source, production, collection, drinking water treatment, supply and wastewater, collection disposal and treatment.

Definitions

As defined in sectorial legislation, we understand with PPTSDW, the activities of collection, treatment and distribution of water resources for public purposes.

1. "Water production" refers to all natural sources of water within the territory of the Republic of Albania, including underground aquifers and all other underground and surface sources. This definition made by law 8102 is not comprehensible. A different definition than the definition in Law No.8102 is intended to give denotation to the use of these resources for the purpose of drinking water from the residents of a LGU or the whole country.
2. "Collection" means all activities that through such structures or mechanisms, such as dams, wells, water depots, cisterns, waterworks, pipes, collect, channel, change the direction or extract water for public benefit.
3. "Treatment" means all methods and means, whether biological, chemical, mechanical, electrical, etc. used for cleaning or changing the state of water for public benefit.
4. Law no. 8102 does not provide a definition of the term "transmission", this term can be understood as the process of passing water into the system and the distribution of drinking water after the production / treatment.
5. "Water distribution", means all activities by which water is pumped, transported and distributed from one place to another for public benefit.

18

Findings

Legal gaps

Law No.8102, dated 28 March 1996 "On the Regulatory Framework for the Water Supply and Wastewater Disposal and Treatment Sector", as amended, defines the term "water production" relating to all natural water resources within the territory of the Republic of Albania, including underground aquifers (aquifers) and all other underground and surface sources. This term is unclear, not exhaustive.

Recommendation [1]: The definition of the term "water production" made by law 8102 is not comprehensive, therefore it is recommended to define it more exhaustively. A definition for this term may be: "the entirety of processes including engineering design, development, implementation, operation, maintenance and control processes for the use of all-natural water resources, including underground aquifers and all other underground and surface, until the product is extracted within the norms and standards set by sectorial legislation.

Law 8102 does not define the term "transmission", this term is understandable as the process of transportation and supply of drinking water after production and treatment.

Recommendation [2]: It is recommended to define the term "transmission".

The above recommendation aim to define in an exhaustive way all components of this function in order to map all responsibilities of LGU within this function.

Definitions

1. "Polluted waters" means all waters used for similar hydro-sanitary and industrial purposes, the collection, processing and disposal of which is ordered for public health and comfort.

2. "Wastewater collection" means the collection of all activities that through the sewerage system that includes all pipelines, collectors, equipment, buildings and structures that serve for the collection of wastewater , pumping stations or pre-treatment of polluted waters, but not including storm water; change the direction of contaminated waters.
3. "Wastewater disposal" means the activity that through the sewerage system enables the removal of contaminated waters up to the treatment mechanisms.
4. "Wastewater treatment" means all methods and means, whether biological, chemical, mechanical, electrical, etc., used for cleaning or changing the state of water for public benefit.

The analysis of the implementation of this function (as well as all other ongoing functions) has been made in the light of the understanding of the "Administration" and "Regulation" as the legal instruments defined in Law 139/2015.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

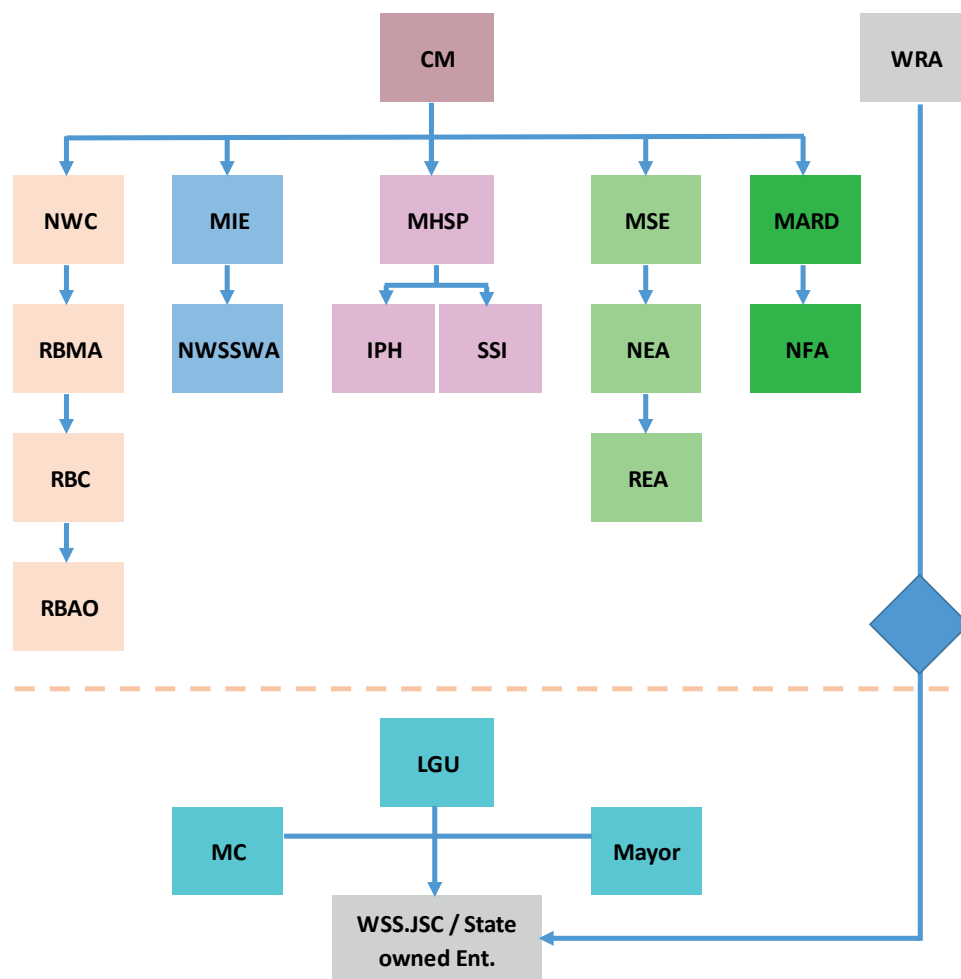


Chart1: Organization chart for the function: drinking water supply (Article 23/1), and wastewaters (Article 23/2)

Different aspects of this function are administered and regulated by 19 different institutions including the Council of Ministers, the Water Regulatory Authority and LGUs.

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF THE FUNCTION

Water Source	Responsible Institution
Planning	
Approves plans and projects, interregional and national in urban planning when they relate to water conservation and management	NWC
Develops and implements policies, strategies, plans, programs and projects aiming the integrated management of water resources, quantitative and qualitative conservation, and their further consolidation	
Proposes to the NWC the award of waste resources concession	
Proposes to the NWC the issuance of permits and authorisations for the use of water and the discharges, when the activity is carried out outside the boundaries of a single water basin	RBMA
Drafts the national inventory of water resources, in both aspects, qualitative and quantitative	
Drafts and follows-up with the implementation of the water basin management plans	
Responsible for the economic activity of the water resources	
Ensures the conservation and sustainable development of water resources within the boundaries of the respective water basin	
Provides and distributes water resources within the boundaries of the respective water basin, according to the purposes of use	
Runs and administrates Water Resources	RBC
Identifies relevant water bodies that need protection	
Provides protection of water resources from pollution, misuse and deterioration	
Perform water purification for the purpose of obtaining drinking water	
Drafts the water resources plan for the respective water basin and submits it for approval to WRC	
Drafts the water resource inventory both for the quality and the quantity and periodically updates it	RBAO
Organization	
Provides water resources concessions	NWC
Water Production	Responsible Institution
Planning	
Drafts, implement and follows-up the policies of infrastructure development of the water supply and sewerage pipeline	MIE

Proposes amending and improving the legal and sub legal framework for the water supply and sewerage sector and is part of the drafting of national policies and strategies

Prepares investment planning needs for construction / rehabilitation / expansion of water supply and sewerage systems

Orients from both technical and managerial point of view and cooperates on all water supply and sewerage projects funded by the state budget, the municipal budget, the budget of the “Water Supply and Sewerage” JSC, or international financial institutions, in order to guarantee the implementation of technical rules of the projects, implementation of exploitations and monitors their performance

Coordinates, encourages and cooperates with state institutions, international financial institutions, investors and stakeholders to implement sector strategies for water supply and sewerage services

Prepares the methodology and carries out the distribution of planned subsidies to the state budget in the water supply and sewerage sector in accordance with the law and bylaws in force

NWSSWA

Organization

Issues permits and authorizations for use of water and discharges

NWC

Issues permits for construction of water supply structures and networks, collection and treatment of used waters

NTC/LGU

Water Collection

Responsible Institution

Planning

Drafts, implement and follows-up the policies of infrastructure development of the water supply and sewerage pipeline

MIE

Proposes amending and improving the legal and sub legal framework for the water supply and sewerage sector and is part of the drafting of national policies and strategies

Prepares investment planning needs for construction / rehabilitation / expansion of water supply and sewerage systems

Orients from both technical and managerial point of view and cooperates on all water supply and sewerage projects funded by the state budget, the municipal budget, the budget of the “Water Supply and Sewerage” JSC, or international financial institutions, in order to guarantee the implementation of technical rules of the projects, implementation of exploitations and monitors their performance

NWSSWA

Coordinates, encourages and cooperates with state institutions, international financial institutions, investors and stakeholders to implement sector strategies for water supply and sewerage services

Prepares the methodology and realizes the distribution of planned subsidies to the state budget in the water supply and sewerage sector in accordance with the law and bylaws in force

Organization

Issues licences for activities related to water collection, distribution, disposal and treatment for public benefit

NRC (WRA)

Issues permits for construction of water supply structures and networks, collection and treatment of used waters

NTC/LGU

Drinking water treatment		Responsible Institution
Planning		
<p>Drafts, implement and follows-up the policies of infrastructure development of the water supply and sewerage pipeline</p> <p>Proposes amending and improving the legal and sub legal framework for the water supply and sewerage sector and is part of the drafting of national policies and strategies</p> <p>Prepares investment planning needs for construction / rehabilitation / expansion of water supply and sewerage systems</p> <p>Orients from both technical and managerial point of view and cooperates on all water supply and sewerage projects funded by the state budget, the municipal budget, the budget of the “Water Supply and Sewerage” JSC, or international financial institutions, in order to guarantee the implementation of technical rules of the projects, implementation of exploitations and monitors their performance</p> <p>Coordinates, encourages and cooperates with state institutions, international financial institutions, investors and stakeholders to implement sector strategies for water supply and sewerage services</p> <p>Prepares the methodology and carries out the distribution of planned subsidies to the state budget in the water supply and sewerage sector in accordance with the law and bylaws in force</p>		<p>MIE</p> <p>NWSSWA</p>
Organization		
<p>Issues licences for activities related to water collection, distribution, disposal and treatment for public benefit</p> <p>Issues permits for construction of water supply structures and networks, collection and treatment of used waters</p>		<p>NRC (WRA)</p> <p>NTC/LGU</p>
Water Supply		Responsible Institution
Planning		
<p>Adopts national policies and strategies in the water supply sector.</p> <p>Drafts, implement and follows-up the policies of infrastructure development of the water supply and sewerage pipeline.</p> <p>Advises on drafting national strategies and policies in the water supply and wastewater disposal and treatment sectors</p> <p>Proposes amending and improving the legal and sub legal framework for the water supply and sewerage sector and is part of the drafting of national policies and strategies.</p> <p>Prepares investment planning needs for construction / rehabilitation / expansion of water supply and sewerage systems</p> <p>Orients from both technical and managerial point of view and cooperates on all water supply and sewerage projects funded by the state budget, the municipal budget, the budget of the “Water Supply and Sewerage “JSC, or international financial institutions, in order to guarantee the implementation of technical rules of the projects, implementation of exploitations and monitors their performance.</p> <p>Coordinates, encourages and cooperates with state institutions, international financial institutions, investors and stakeholders to implement sector strategies for water supply and sewerage services</p> <p>Prepares the methodology and realizes the distribution of planned subsidies to the state budget in the water supply and sewerage sector in accordance with the law and bylaws in force.</p>		<p>CM</p> <p>MIE</p> <p>NRC (WRA)</p> <p>NWSSWA</p>

Forces entities, physical or legal persons, for the installation of equipment for the control and measurement of water usage	Water resource management bodies / Inspectorate covering the field of environment / LGU
Organization	
Issues licences for activities related to water collection, distribution, disposal and treatment for public benefit	NRC (WRA)
Issues permits for construction of water supply structures and networks, collection and treatment of used waters	NTC/LGU
Collection and Disposal of Wastewater	Responsible Institution
Planning	
Adopts national policies and strategies in the sewerage sector	CM
Advises on drafting national strategies and policies in the water supply and wastewater disposal and treatment sectors	NRC (WRA)
Proposes amending and improving the legal and sub legal framework for the water supply and sewerage sector and is part of the drafting of national policies and strategies	NWSSWA
Prepares investment planning needs for construction / rehabilitation / expansion of water supply and sewerage systems	
Orients from both technical and managerial point of view and cooperates on all water supply and sewerage projects funded by the state budget, the municipal budget, the budget of the "Water Supply and Sewerage" JSC., or international financial institutions, in order to guarantee the implementation of technical rules of the projects, implementation of exploitations and monitors their performance	NWSSWA
Coordinates, encourages and cooperates with state institutions, international financial institutions, investors and stakeholders to implement sector strategies for water supply and sewerage services	
Prepares the methodology and realizes the distribution of planned subsidies to the state budget in the water supply and sewerage sector in accordance with the law and bylaws in force	
Organization	
Issues licences for activities related to water treatment for public benefit	NRC (WRA)
Issues permits for construction of water supply structures and networks, collection and treatment of used waters	NTC/LGU
Wastewater Treatment	Responsible Institution
Planning	
Adopts national policies and strategies in the sewerage sector.	CM

Advises on drafting national strategies and policies in the water supply and wastewater disposal and treatment sector

NRC (WRA)

Proposes amending and improving the legal and sub legal framework for the water supply and sewerage sector and is part of the drafting of national policies and strategies

Prepares investment planning needs for construction/rehabilitation/expansion of water supply and sewerage systems, based in governmental programmes and national master plans for the sector

Orients from both technical and managerial point of view and cooperates on all water supply and sewerage projects funded by the state budget, the municipal budget, the budget of the "Water Supply and Sewerage" JSC., or international financial institutions, in order to guarantee the implementation of technical rules of the projects, implementation of exploitations and monitors their performance

NWSSWA

Coordinates, encourages and cooperates with state institutions, international financial institutions, investors and stakeholders to implement sector strategies for water supply and sewerage services

Prepares the methodology and carries out the distribution of planned subsidies to the state budget in the water supply and sewerage sector in accordance with the law and bylaws in force

Interrupts activities or its special parts that are related with unauthorized water discharge

Determines techniques, technologies and methods for environmental treatment

Drafts plans for integrated environmental treatment.

RBMA

Drafts the legal framework

24

Enhances the responsible institutional network

Controls activities that cause water pollution, as well as subjects engaged in water treatment and purification

Organization

Issues licences for activities related to water treatment for public benefit

NRC (WRA)

Issues permits for construction of water supply structures and networks, collection and treatment of used waters

NTC/LGU

REGULATION OF THE FUNCTION

Object	Responsible Institution
Sectorial national strategy for water supply and sewerage services	
Requirements for drinking water quality.	
Regulations for water supply and sanitation.	
Liquid discharge rates.	CM
Environmental criteria for the construction and operation of sewage system	
Design, construction and use of wastewater treatment plant systems.	
Technical infrastructure standards	
Indicators and criteria in the performance contract.	MIE

Working standards for subjects equipped with license.

Standards for investment programs and the sale of assets.

Competences and Functions

Service standards

Terms and Conditions of Service

Prices and tariffs for drinking water and tariffs for wastewater disposal and treatment of

Opinion for defining the drinking water tariff.

NRC (WRA)

LGU

Findings

Legal gaps

DCM no. 643, dated 14.09.2011 “On the approval of the national sector strategy of water supply and sewerage services” had the scope to fulfil its’ set out objectives within 2017. This sector does not have any more a strategy in place.

Recommendation [3]: It is recommended to revise, update and adopt the national sector strategy for water supply and sewerage services.

As a requirement of law no. 111/2012 “On integrated water resources management”, as amended; CM is responsible for the proclamation of sanitary and hygienic protected areas for the protection of water resources, designated for the production of drinking water. This decision is to be approved.

Recommendation [4]: The CM should proceed and take necessary measures to draft and approve the required DCM.

Legal Inconsistences

DCM no 431 in point 13 /g defines NWSSWA responsible to support policy makers for the drafting and implementation of sub-legal acts and procedures for the process of transferring the administration of water supply services from the local government to the central one in cases of non-fulfilment of contractual obligations, in accordance with performance agreement, concluded between the parties. This prediction is in contradiction with the main objectives of the Cross-cutting Strategy for Decentralization and Local Government 2015-2020 and the European Charter of Local Self-Government, where it is emphasized that local government should be as free and independent as possible during the exercise of their public responsibilities, and decentralize to that level of governance that is closest to the population. This granted power will be as exclusive as possible and will not be limited or impaired through the discrepancies of the legislation. Although forms of centralization may be considered justified and reasonable by the central government, removing LGU’s from their own function, would be carried out in violation of Article 23/1 of Law 139/2015.

Recommendation [5]: It is recommended the abrogation of point 13 g of DCM no. 431.

DCM No.1304, dated 11.12.2009 “On Approval of the Model Regulation” on Water Supply and Sewerage in the Jurisdiction of the Water Supply and Sewerage Joint – Stock Companies” has not been issued as a requirement of the law, and therefore it is in violation with Article 118 of the Constitution of Republic of Albania (RA). Law No. 8102, dated 28 March 1996 “On the Regulatory Framework for the Water Supply and Wastewater Disposal and Treatment Sector”, as amended, entitles the CM the right to adopt national policies and strategies in the sector of water supply and wastewater disposal and treatment; there are no other dispositions in this law that mandates the CM with the right to approve regulation on water supply and sewerage sector. Under these conditions, this DCM contradicts Law 139/2015, as it is illicit to define or

adopt powers/responsibilities to local self-government units without the designation of law 139/2015 (Article 21 / 2.3).

Recommendation [6]: It is recommended to abrogate DCM no. 1304. If certain rights and obligations set forth in DCM no. 1304 are considered necessary for an efficient performance of the PTTSDW and CRWT function, we recommend that these obligations have to be approved by the WRA that is mandated by law to issues rules and regulations to facilitate exercising of powers and functions provided for in Law No. 8102, dated 28 March 1996 “On the Regulatory Framework of the sector of water supply and wastewater disposal and treatment “, as amended. Also, it is to consider that some of the arrangements in this DCM, such as the way of organizing the management of service delivery, is in violation of the LGUs autonomy for the administration of the given function by exceeding some attributes of the sectorial law and of the article 32 “Administration of Public Services “ provided in the Law 139/2015.

DCM no. 63, dated 27.01.2016, “On the reorganization of operators providing WS service” has not come up as a requirement of the law and therefore is in violation of Article 118 of the Constitution RA; this DCM contradicts Law 139/2015, as LGUs cannot be given other functions or competences which are not based on the law (Article 21 / 2.3 of Law 139/2015). The provisions of this DCM on the organization of the WS service violate the autonomy of the LGUs for the right to establish the form of administration of the function and contradict the provisions of Article 32 “Administration of Public Services” as provided in the Law 139/2015.

Recommendation [7]: As above is argued, it is recommended to abrogate DCM no. 63, dated 27.01.2016, “On the reorganization of operators providing WS service”.

MONITORING AND EVALUATION

26

Object	Subject	Responsible Institution	Responsible Institution imposing sanctions
Working Standards			
Quality, Efficiency, Continuity of Service		WRA / LGU	WRA
Prices, tariffs and other terms of service			
Environmental criteria for the construction and operation of sewage systems.		RBMA/MTE	MTE/NEA
Technical Standards of Water Supply and Sewerage Infrastructure.		MIE	Construction Inspectorate Authorities
Implementation of technical rules of design, implementation and exploitation.	WSS JSC / State owned Ent.	NWSSWA Inspectorate for Environment and Forests	Inspectorate for Environment and Forests
Observe the rates of liquid discharges		MTE / LGU	
Activities that cause water pollution, as well as subjects involved in water treatment and purification.			
Water resources and other objects of drinking water and the discharge of used waters of different subjects without being disinfected or deactivated		State Sanitary Inspectorate	State Sanitary Inspectorate
Sampling and conducting analyses		NFA	NFA

Installing equipment for controlling and measuring the water usage	Natural or legal persons registered as water users	Water resource management bodies / Inspectorate covering the field of environment / LGU	National Inspectorates responsible for territory, environment and water
System			
Water supply monitoring program		NWSSWA	
Water resource monitoring program		CM	

Findings

Legal gaps

Article 14 of the Law no. 8102 provides that WRA has the competency for the encouragement of standards and uniform rules for all the sector. The term “encourage” creates ambiguity, because this WRA competency might be considered non mandatory for LGU’s.

Recommendation [8]: It is recommended to rephrase article 14 of the law 8102, in order to better define the competence of the WRA with an exhaustive interpretative term.

As it can be seen from the monitoring and evaluation scheme, there is no any authority assigned with the responsibility to monitor LGUs as the responsible authority based on its organic law for the provision of this function.

Recommendation [9]: It is recommended that WRA as the primary institution responsible for monitoring this function, in addition to monitoring the WSS JSC / State owned Ent operators, should also monitor the LGUs in relation to its responsibility for providing this service. This recommendation requires that WRE organic law, designs clearly the LGU competencies on this function, as well as the right to manage the WSS providers in a method that is liberally established by LGUs.

In summary of the numerous recommendations encountered in this sector, as there is a lack of discrepancy in both administration, regulation and monitoring and evaluation, a new sectorial law can be considered reasonable.

Recommendation [10]: It is recommended to draft and adopt a new sectorial law by clearly defining the responsibilities of the institutions involved, in a model similar to the law no. 43/2015 “On Power Sector”, as amended.

5.1.2 COLLECTION, DISPOSAL OF STORM WATERS AND PROTECTION FROM FLOODS IN RESIDENTIAL AREAS (ARTICLE 23/3)

Collection, disposal of storm waters and protection from floods in residential areas, is a function divided into 2 sub-components in the construction field, which includes the construction of storm water disposal infrastructure for which there are no approved construction standards or any special specification, and the second consisting of flood protection.

Definition

1. “Flood” refers to temporary water from a land that is normally not covered by water. This includes flooding by rivers, mountain streams, dam discharge, transient watercourses and seawater floods in coastal areas, with the exception of flooding by sewage systems.

2. “Residential areas” refers to the map of residential areas prepared by the local planning authority in a part of the territory, with characteristic or specific or similar usages, existing or planned.

Findings

Legal gaps

There is no sector law regarding storm waters. The term “collection and disposal of storm water” is not defined in the sectorial law.

Recommendation [11]:It is recommended to define the term “collection and disposal of storm water” in the following way or in any other more technically appropriate method. This definition can be integrated in law 111/2012 “On Integrated Water Resources Management”, as amended.

“Collection and disposal of storm waters” refers to all the processes composing the system, which includes the collection and transmission infrastructure consisting of pipelines, collectors, control wells, buildings and structures as well as the mechanisms that serve to remove them to the designated location for their final discharge, separately and by excluding any combination with infrastructure designated to wastewater disposal and treatment.

This definition can be integrated into law no. 111/2012 “On Integrated Water Resources Management”, as amended.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

28

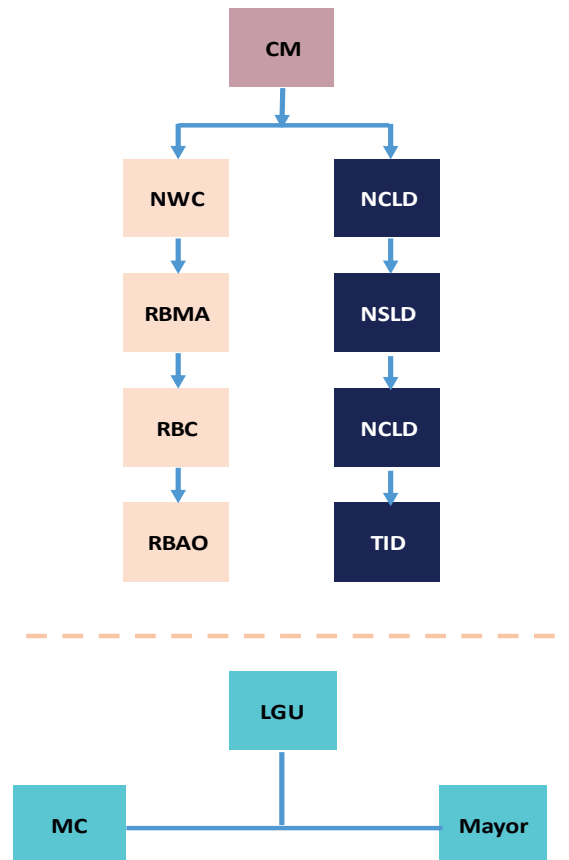


Chart2: Organization chart for the function: Storm waters collection, disposal and protection from floods in residential areas (Article 23/3)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Storm water Collection and Disposal	Responsible Institution
Planning	
Builds structures for collection and disposal of waters	LGU
Organization	
Provides building permits for the structures for collecting and removing storm water	LGU
Protection from the Flood in Residential Areas	Responsible Institution
Planning	
Applies restrictions for the use of flooded areas or areas that are under harmful effects of water	NWC
Provides opinions on the restriction to be applied for the use of flooded areas or areas that are under harmful effects of water	RBMA/LGU
Prevents, sustains and rehabilitates the condition caused from flood	
Drafts the flood risk management plan	RBMA/ RBAO
Collects data for dams	NSLD
Assists in processing and interpreting the data of hearing equipment's, located in the body of the dam	NCLD
Sets tasks to fulfil dam safety	
Organization	
Pre-authorises permission to build, reconstruct or demolish defensive structures of shores, walls, flood shelters and other offshore works	RBMA
Issues permission for construction, reconstruction or demolition of defensive structures of banks, walls, flood shelters and other offshore works	LGU
Approves project ideas and project implementation, repairs and improvements on dams.	NCLD
REGULATION OF FUNCTION	
Object	Responsible Institution
Plans and regulations for flood risk management	CM

Findings

Legal gaps

Law 111/2012 “On Integrated Water Resources Management”, as amended in article 70 provides that CM, upon the proposal of the minister responsible for civil emergencies, after prior approval by NWC, should approve the plans and regulation for flood risk management.

Recommendation [12]: It is recommended to draft and approve this DCM, in compliance with article 70 of law 111/2012 “On Integrated Water Resources Management”, as amended. It is recommended that the DCM provides the definition of the terms, standards, institutions and instruments for planning and risk management. Also including monitoring and evaluation method of this function.

There are no standards in place for the construction of the infrastructure for the collection and removal of storm water.

Recommendation [13]: It is recommended that MIE, in accordance with its area of responsibility for setting standards, should adopt specific construction standards for “collecting and removal of storm water”.

Overlaps

Article 68, point 2 of law no. 111/2012 “On Integrated Water Resources Management”, as amended, simultaneously mandates the bodies of Water Resources Management and Administration and LGU’s for the prevention, coping and rehabilitating the state of flooding. Mandating two governing bodies, at the same time, leads to ambiguity in the allocation of responsibilities and consequently ambiguity in the allocation of the necessary financial funds between them. Taking into account that flood protection is realized mainly through taking measures in water bodies, and interdependent actions through institutions, this unclear situation bears difficulties and conflicts. Law no. 139/2015 “On Local Self-Government”, in contrast with the previous law, removes partition in its “functions” and “common functions”. This change comes in line with the Constitution, which does not recognize the concept of “common function” between central government and local government. This practice has brought violations of autonomy to LGUs.

Recommendation [14]: It is recommended the amendment of paragraph 2 of Article 68 of the Law no. 111/2012 “On Integrated Water Resources Management”, as amended, to clearly define the responsibilities of the bodies responsible for the water resources administration and management, as well as the responsibilities of the LGUs.

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution imposing sanctions
Infrastructure building for storm water collection and removal	Construction Companies	MEI/ Construction Inspectorate	Construction Inspectorate Authorities
Construction of dams		TID/ PTCD/ LGU	TID/ National Inspectorate for Protection of Territory
Safety of dams	LGU/ Private Subjects	MARD/ LGU	National Inspectorate for Protection of Territory/ Construction Inspectorate Authorities
Technical monitoring of flood protection works.			

5.1.3 CONSTRUCTION, REHABILITATION AND MAINTENANCE OF LOCAL ROADS AND STREETS AND ROAD SIGNING, SIDEWALKS AND LOCAL PUBLIC SPACES (ARTICLE 23/4)

Box 2

Strategic Directions for the function of construction, rehabilitation and maintenance of local roads and streets and road signs, sidewalks and local public spaces and public transport

Strategic Directions

- *The inventory of the entire urban and rural road system will be completed by 2017.*
- Adopt standards of design, construction and maintenance of road infrastructure.
- Enhance management capacities for the maintenance of urban and rural roads.

Midterm situation of the function

- The inventory of roads has been completed, but there are no plans to develop an integrated road maintenance framework, despite it having been indicated in the strategy action plan.
- The transfer of road infrastructure to the municipalities should be accompanied by full transfer of funds for their maintenance.

Definition

“Construction” as defined in law no. 107/2014 dated 31.07.2014 “On territorial Planning and Development”, as amended, refers to any object constructed or installed in the territory, as immovable or temporary immovable and under and/or above land.

Whereas DCM 408, dated 13.5.2015 “On the adoption of the territorial development regulation”, as amended defines terms as follows:

“Rehabilitation” refers to two kinds of infrastructure interventions:

- “Reconstruction” refers to work activities that consist of demolition and reconstruction with the same volume and shape of the former object.
- “Reconstruction works” means work activities that cancels, consolidates or transforms the existing object through systematic works, where objects subject to reconstruction may undergo changes, including replacement, elimination, alteration of its structural parts and new elements.

“Maintenance”, refers to the following two categories:

- “Usual maintenance” refers to interventions for repairing or replacing existing building refinements as well as those necessary to maintain existing technological facilities.
- “Extraordinary maintenance” refers to work activities and the necessary changes for the renovation or replacement of parts, structural structures of buildings, as well as for the realization of hygienic-sanitary and technological services, provided that these works do not add to the number of units and / or change of use, volume or surface of the units.

“Local roads” refers to those roads that according to the use, functioning and needs of administrative character belong to the LGUs as defined in article 2, point 2 of the Road Code.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

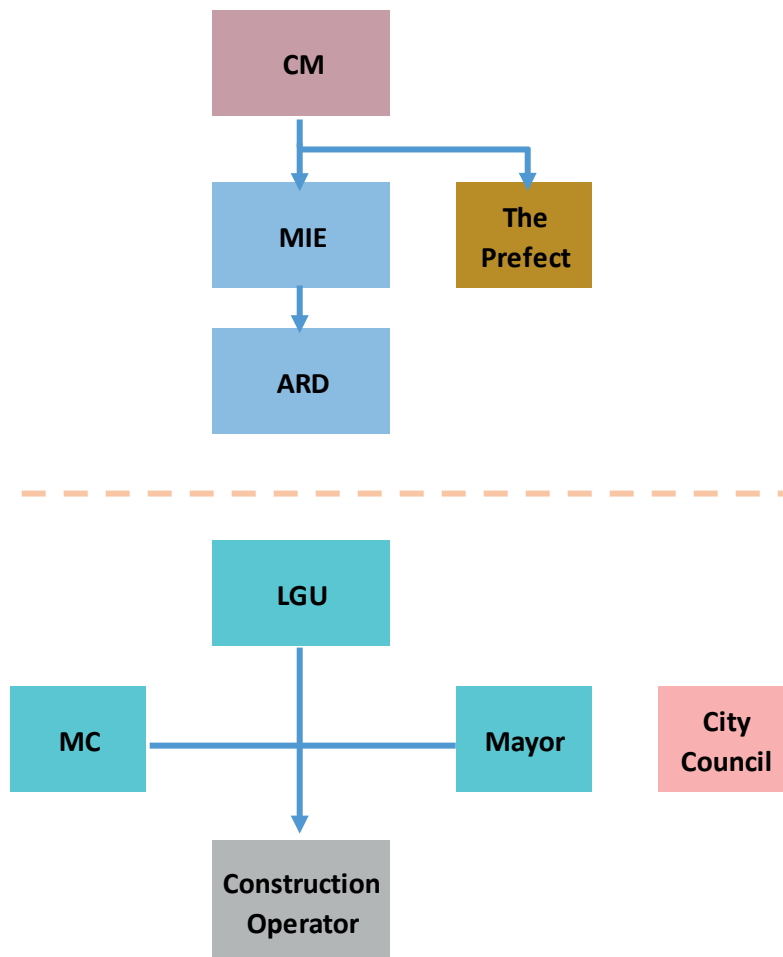


Chart3: Organization chart for the function: Construction, rehabilitation and maintenance of local roads and streets and road signing, sidewalks and local public spaces (Article 23/4)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF THE FUNCTION	
Construction, rehabilitation and maintenance of local roads and streets and road signing, sidewalks and local public spaces	Responsible Institution
Planning	
Drafts and implements infrastructure development policies, including infrastructure and transport	MIE
Runs, manages the establishment of technical standards of road network infrastructure	
Determines and classifies the roads according to their constructive, technical and functional characteristics	MEI/ The Prefect
Determines residential areas	The Prefect

Determines for each road in function of traffic for two intersecting roads the technical characteristics to be adapted for the realization of entrances and ramifications, as well as the technical and administrative conditions upon which the owner entity of the road for issuing the respective authorization.	MIE
Drafts and updates Inter-urban Traffic Plans	City Council/ ARD/ LGU
Drafts and updates Urban Traffic Plans	LGU
Classifies the road network	LGU
Creates road maps and keeps them up to date, creates a cadastre of roads and parts belonging to it	LGU
Performs yearly traffic measurements and surveys	LGU
Organization	
Authorizes the installation of road signs, including signs for emergency assistance	LGU
Authorize the installation of signs or other advertising equipment along the road or in visible locations.	LGU
Issues authorizations and permits for construction and protection of roads and public areas	LGU
Issues permits for the usage of road sections and its constituent parts, for water channels, water pipeline, power lines and areal or underground telecommunications, underpasses or overpasses, any type of cableway, pipeline, liquid fuel tanks or other installations or artwork that may still affect road ownership.	LGU
Declassify local roads	City Council
Constructs protection structures that only serve to protect or keep the land adjacent to the road	LGU
Administer, maintain and clean roads and parts belonging to the road such as equipment, plants and facilities	LGU
Installs and maintain road signalling	LGU
Orders LGUs to replace, displace, remove or rectify any signal that is inappropriate for the features, the way the symbol is selected, the way of setting and the placement.	MEI
Orders the fulfilment of the road signing obligations by the LGUs	MEI

REGULATION OF THE FUNCTION

Object	Responsible Institution
Norms for dimensions, characteristics, location of advertising tools along the roads, parts belonging to the road and fuel service stations and fuel supply stations	
Functional and geometric rules for the construction, control and testing of roads and facilities and service facilities related thereto, with the exception of those for military use	MIE
Rules for the reduction of atmospheric and noise pollution	
Traffic organization and road signs	
Road safety and its audit	
It sets the criteria for the design and updating of Urban and Interurban Traffic Plans	

Findings

Legal gaps

Instructions on defining the norms for dimensions, characteristics, location of advertising tools along the roads, parts belonging to the road and fuel service and fuel stations, is not approved by MIE.

Recommendation [15]: It is recommended to draft and approve the missing instruction on “defining norms for dimensions , characteristics, location of advertising tools along the roads, parts belonging to the road and fuel supply stations, as it is required by the legislation.

Instruction on defining criteria’s for the drafting and the update of Urban and Interurban Traffic plans is not approved by MIE.

Recommendation [16]: It is recommended to draft and approve the missing instruction for setting the criteria for the design and updating of Urban and Interurban Traffic Plans according to the legislation.

MONITORING AND EVALUATION

34

Object	Subject	Responsible Institution	Institution imposing penalties
Technical standards of road network infrastructure Road safety	LGU/ Private Subjects	MIE	
Technical control of the condition of roads and parts belonging to the road Identifies violations in construction and protection of roads and public areas, as well as of the norms contained in the authorizations and permits	Private Subjects	LGU	Construction Inspectorate Authorities/ Authorities responsible for roads
Determines the norms for dimensions, characteristics, location of advertising tools along the roads, parts belonging to the road and fuel service stations and supply stations	LGU/ Private Subjects	LGU	
		MEI	

5.1.4 PUBLIC SPACE LIGHTING (ARTICLE 23/5)

Definition

“Lighting” refers to the construction, installation of structures made up of different light sources, mainly supplied with electricity, in order to increase the visibility of the environment.

“Public space” refers to an area that is used by the general public and includes roads, local public transport hubs, commercial institutions, parks, under the responsibilities of LGUs

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

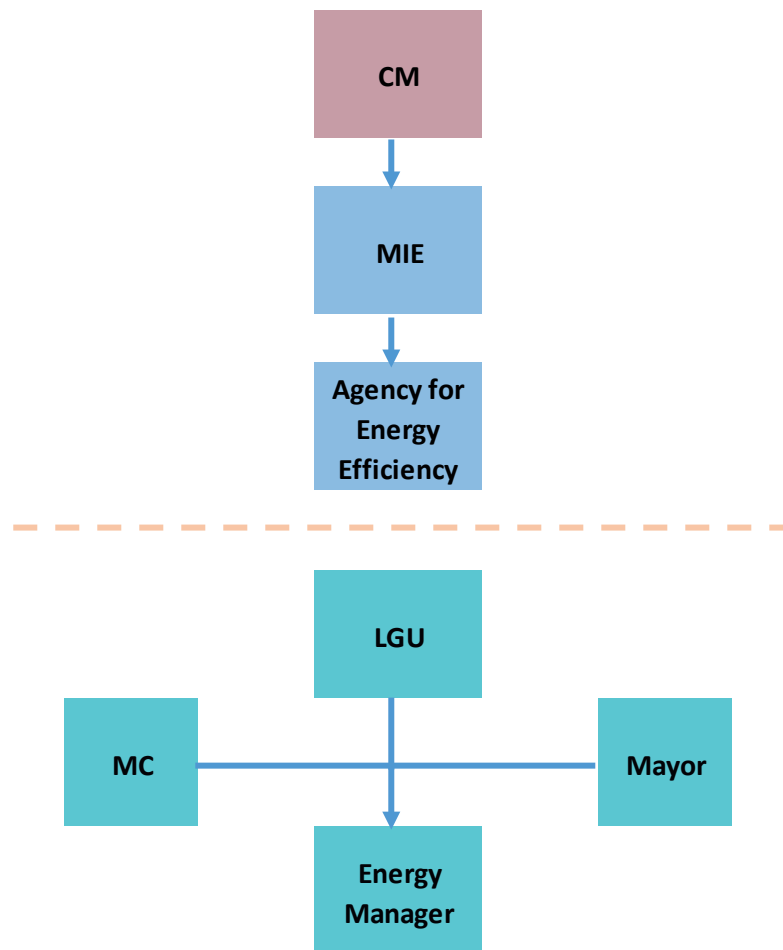


Chart4: Organization chart for the function: Public space lighting (Article 23/5)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION

Lighting of Public Spaces

Responsible Institution

Planning

Approves the National Action Plan for Energy Efficiency
 Drafts and implements the national general policies for the energy sector and the use of energy resources.
 Drafts National Energy Efficiency Policy
 Advise LGUs on the preparation and implementation of energy efficiency projects
 Prepare, implement and monitor policies and programs for efficient energy use
 Creates and updates the necessary data base of the energy
 Takes measures to improve energy management, as well as formulating and implementing technical measures for energy saving.
 Maintains devices that consume any form of energy, improves and supervises ways of using energy and performs other tasks for rational use of energy in buildings and industries

CM

MIE

Agency for Energy Efficiency

LGU

Energy Manager

Organization

Approves investments in public lighting
 Appoints the Energy Manager

LGU

REGULATION OF FUNCTION

Object

Responsible Institution

Technical standards for energy efficiency
 Urban Construction Standards

CM

MIE

Findings

Legal gaps

Instruction for defining the technical construction standards for this function is not approved by MIE.

Recommendation [17]: It is recommended that MIE drafts and approves the missing instruction for the definition of technical construction standards of public lighting.

DCM for the adoption of standards and norms, aimed above all to improve the energy efficiency of products and services, as well as improvements in buildings, is not approved by CM.

Recommendation [18]: It is recommended that CM approves the required DCM for the adoption of standards and norms of design, construction and operation of street and public space lighting system.

Law no. 124/2015 “On Energy Efficiency”, in Article 9 provides the inclusion in the public procurement rules, of provisions that oblige the contracting authorities to specify in the procurement procedures documents of equipment or products having a direct or indirect impact on energy consumption, technical specifications, meeting minimum energy efficiency requirements as defined in the applicable energy consumption legislation and other sources of energy. No such changes have been made so far on the DCM no. 914, dated 29.12.2014 “On the Approval of Public Procurement Rules”, as amended.

Recommendation [19]: It is recommended to draft and approve the abovementioned DCM.

The DCM on the approval of categories, conditions and qualification requirements for the energy manager does not turn out to be approved.

Recommendation [20]: It is recommended to design and approve the required DCM.

Regarding the public spaces lightning in the National Action Plan for Energy Efficiency, no relevant energy saving objectives are envisaged for big energy consumers.

Recommendation [21]: It is recommended to include and upgrade the National Action Plan on Energy Efficiency with targets related to the lightening of public spaces as a sector that is defined essentially as a large consumer of electricity.

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution imposing sanctions
Urban Construction Standards	Construction Company/ State owned Ent.	MIE/ Construction Inspectorate Authorities	Construction Inspectorate Authorities
National Energy Efficiency Strategy Efficiency standards, norms and technical regulations for energy efficiency	LGU	MIE/ Agency for Energy Efficiency	Agency for Energy Efficiency

5.1.5 PUBLIC TRANSPORT AT LOCAL LEVEL (ARTICLE 23/6)

The road transport sector is regulated by Law no. 8378, dated 22.07.1998 “Road Code of the Republic of Albania”, as amended, Law no. 8308, dated 18.03.1998 “On Road Transport”, as amended. Other known forms of local public transport such as railway regulated by law no. 142/2016. “Rail Code of the Republic of Albania” as well as the maritime sector regulated by Law No. 9251, dated 8 July 2004, the Maritime Code of the Republic of Albania, which does not establish obligations, standards, rules or specifications for LGU’s.

Box 3

Strategic Directions for the function public transport at local level

Midterm situation

- Recent changes to the law on road transport have allegedly increased local government authorities in road transport, including the authority to approve public transport charges as well as license operators.
- According to MTR, local governments indicate that the recent changes have narrowed down municipal authority in managing public transport routes, timetables and licenses.

Definition

The local public transport service is divided into these categories: Urban transport, Interurban transport and taxi service.

Local public road transport is not defined in Law 8308, dated 18.3.1998 “On Road Transport”, as amended, but indicates that it includes urban and interurban transport;

“Urban Transport” is a special service that meets the needs of the population of a city by performing regular bus services within its boundaries or by linking important economic and social centres with other parts of the city. Urban transport is carried out by bus.

“Interurban transport” is a regular transport service that meets the needs of the population movement between:

- Administrative units and the city centre to which they belong;
- Administrative units of the same municipality;
- Villages with each other or villages in the direction of the centre of the administrative unit to which they belong and / or another administrative unit of the same municipality;
- Villages and administrative units of different municipalities, but bordering on each other.

“Taxi service” is a public service that provides an immediate and direct transport of passengers and their baggage.

Findings

Legal gaps

Public road transport at local level is not defined in Law 8308, dated 18.3.1998 “On Road Transport”, as amended, but indicates that it includes urban and interurban transport;

Recommendation [22]: It is recommended to define the term “ public road transport at local level” by making a clear distinction between own functions of LGUs as compared to delegated functions that define regular specialized services, own private transportation and casual transportation.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

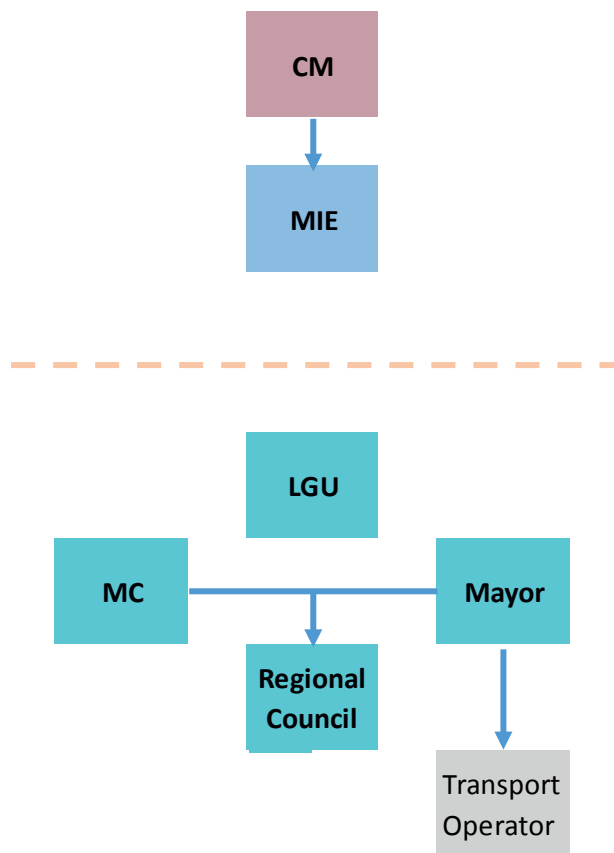


Chart5: Organization chart for the function: Public Transport at Local Level(Article 23/6)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Urban Transport	Responsible Institution
Planning Develops transport infrastructure development policies. Directs, improves, expands and develops information services in transport and infrastructure	MIE
Organization Determines the network of lines, stations and timetables Determines the buses departure and arrival terminals Determines the location and construction of the bus terminal Licenses the operators Temporarily permits the exercise of transport activity outside of the previously approved lines Licenses bus terminal operators	City Council Mayor

Interurban Transport	Responsible Institution
Planning	
Develops transport infrastructure development policies. Directs, improves, expands and develops information services in transport and infrastructure	MIE
Organization	
Approves the network of interurban lines and timetables Determines the buses departure and arrival terminals Determines the location and construction of the bus terminal Determines the network of lines, resident stations and timetables for villages and administrative units of different municipalities but located at within its administrative borders Licenses the operators Temporarily allowsthe exercise of transport activity outside of the previously approved lines Licenses bus terminal operators	City Council
	District Council
	Mayor

Taxi Service	Responsible Institution
Planning	
Develops transport infrastructure development policies. Directs, improves, expands and develops information services in transport and infrastructure	MEI
Organization	
Licenses the operators Determines how to organize and operate	Mayor City Council

40

REGULATION OF FUNCTION

Object	Responsible Institution
State-subsidized passenger transport tariffs Transport infrastructure standards Terms and Conditions of public transport Criteria, rules, deadlines and documentation for granting a license, certificate and permit. Rules and conditions for special requirements for taxis, as well as for the application of tariffs and prices General terms and conditions for taxi service The maximum number of taxis Interurban transport tariffs The bus terminal standards Travel Ticket Model Urban transport fee	CM
	MIE
	Municipal Council

Taxi service

Rules and conditions for special requirements for taxi service, as well as for the application of tariffs and prices

MIE

Differentiated levels of prices and tariffs

Municipal Council

Findings

Legal gaps

Law no. 8308, dated 18.03.1998 “On Road Transport”, as amended, in article 85 foresees CM as the responsible institution for the definition of measures, criteria and procedures for compensation of public transport tariffs for passengers who benefit from specific laws. This DCM has not been yet approved.

Recommendation [23]: It is recommended to draft and approve the DCM to define the measures, criteria and procedures for compensation of public transport tariffs for passengers who benefit from specific laws.

Law no. 8308, dated 18.03.1998 “On Road Transport” has been amended several times over the years. These changes have led to the use of different terms for the same purpose. In the law are left general terms for regulation of road transport services without exhaustive forms. The law leaves room for many ambiguities throughout its text, is not well structured in chapters and often has no clear references in transitioning from one article to another. Besides, there are no definitions in the law such as “ public road transport at local level”.

- Article 14 of this law defines the Municipal Council as the responsible authority for determining the lines, organization, financing and deployment for the urban transport service, also in Article 35 of the same law, the Municipal Council is the authority responsible for determining the manner of organization and of the operation of the taxi service. The terms used for funding organization and operation create ambiguity as they are unclear and exhaustive.
- In Article 21/1 of this law, provides that the Municipal Council is designated as the responsible authority for determining the bus terminals locations. From the meeting with MEI specialists, this article implies that LGUs are also responsible for the construction and operation of bus terminals.
- Article 23 of this law simultaneously foresee the minister and the Mayor's, in case of natural disasters or in emergency cases, to fulfil the transport needs, order the temporary permission of the exercise of the transport activity outside the previously approved lines. From this article it is understood that for the activity to be exercised outside the regular lines it is necessary to grant permission jointly by the minister and the mayor, while this competency is actually exercised respectively according to the area of responsibility.
- The Road Code articulates differently the terminology for urban, interurban or intercity transports.

Recommendation [24]: It is recommended to draft a new law on road transport which is clear, provides for a uniformed terminology expressed in all its provisions, definition of the main terms/concepts, division into chapters by topic, in consistency with the definitions of other applicable laws, and in particular to clearly define the regulatory authority and monitoring authority of the LGU.

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution imposing sanctions
Transport infrastructure standards Standards for vehicle types for transportation and technical safety in the field of operation. Terms and Conditions of vehicles for passenger transportation Criteria, rules, deadlines and documentation for granting a license, certificate and permit. Urban and Interurban Transport tariffs Urban Transport tariffs	Transport operators/ State owned Ent.	MIE/ LGU	MIE/ Road Control Bodies/ LGU
Taxi Services		MIE	MIE/ Road Control Bodies/
General Terms and Conditions Rules and conditions for specific requirements for taxi service, as well as for the implementation of tariffs and prices Differentiated levels of prices and tariffs The maximum number of taxis	Licensed Operators	MIE/ LGU	MIE/ Road Control Bodies/ LGU
		MIE	MIE/ Road Control Bodies/

5.1.6 PUBLIC CEMETERY CONSTRUCTION, REHABILITATION AND MAINTENANCE, AS WELL AS PROVISION OF FUNERAL PUBLIC SERVICE (ARTICLE 23/7)

Definition

“Construction, rehabilitation and maintenance of public cemeteries”, refers to the provision of land and the establishment of necessary structures in the technical regulation “for the design and construction of cemeteries in the territory of the Republic of Albania”.

“Funeral service provision”, implies provision of services offered by public or private entities, from the moment of decease until the burial of the body.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

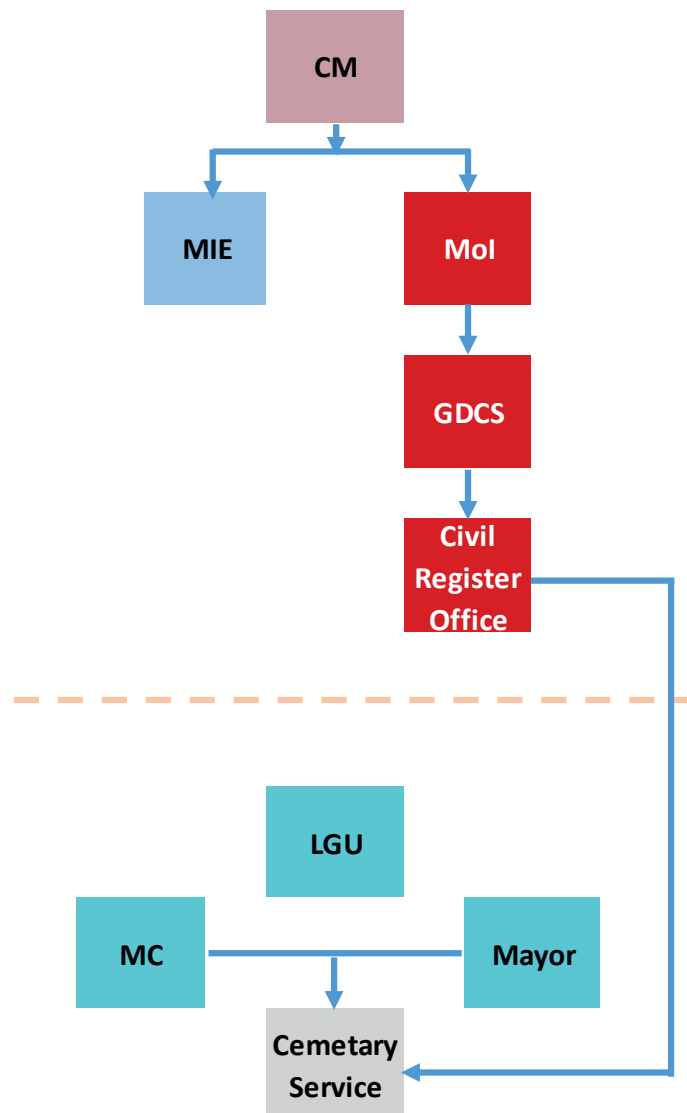


Chart6: Organization chart for the function: Public cemetery construction, rehabilitation and maintenance, as well as provision of funeral public service (Art 23/7)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION

Public cemeteries construction, rehabilitation and maintenance	Responsible Institution
Planning	
Examines the cases when it is necessary to intervene, in order to improve the service in the cemetery	LGU
Approves the study of the area for the construction of the cemetery	Municipal Council
Organization	
Builds, rehabilitates and maintains public cemeteries	LGU
Close the cemetery	
Reduces, extends, and distorts the width of the cemetery's reserved area	Municipal Council
Provision of funeral service	Responsible Institution
Planning	
Determines city areas for funeral cars and service offices	LGU
Organization	
Carry out and finance the removal, transportation and reburial of the remains of convicts in re-education institutions	LGU
Licenses Funeral Service Agencies	
Proposes to the mayor the respective hygiene and sanitary measures	
Grant permission for ordinary exhumations	
Authorizes wall burial when is overpopulation of the cemetery	Mayer/ IPH
Authorizes the transportation of the bodies from one municipality to another	
Authorizes the transportation of mortal remains	
Issues burial permission	Civil Register Office
Receives and documents the permits for each burial	LGU Funeral Service

REGULATION OF FUNCTION

Object	Responsible Institution
Technical Standards for the Design and Construction Administration and functioning of public cemeteries	CM
Terms of funeral cars	
Licensing Criteria for Burial Service Agencies	MIE
Service fees	Municipal Council

Findings

Legal gaps

The Guidelines for determining the licensing criteria for funeral agencies are not approved.

Recommendation [25]: It is recommended that MIE design and approve the Guidelines for determining the licensing criteria for funeral service agencies.

MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Responsible Institution Imposing sanctions
Technical Standards for Design and Construction			Construction Inspectorate Authorities
Administration and functioning of public cemeteries	Funeral Service	LGU	Municipal Police
Technical terms of funeral cars			IPH
Hygienic and Sanitary Standards		IPH	

5.1.7 PUBLIC PARKS, GARDENS AND GREEN SPACES (ARTICLE 23/9), PUBLIC DECORATION SERVICE (ARTICLE 23/8)

Definitions

“Public space” as defined in law no. 107/2014, dated 9.7.2015 “On territorial Planning and Development “, as amended, refers to an external space such as a pavement, a street, a square, a garden, a park and other similar facilities, serving the community under the public and/or private management . Public space includes public passages and environments that are open to the public or to the public service, irrespective of the legal regime of land and beyond the definition of public property, according to law no. 8743, dated 22.2.2001, “On State Immovable Property “.

From the definition of public space in the sectorial law, “public green space”, refers to an outside space, such as a park, green space and other similar facilities, serving the community, under the public or private management .

“Park” refers to a large surface with ornamental grass and ornamental trees, with passageways, sitting tables, etc., which serves as a place for leisure and relaxation; a square equipped with toys or with various tools for fun or for exercises and sports games.

“Green Garden”, refers to an externally organized greenery in community service.

“Public infrastructure” refers to the entirety of existing or planned networks, installations and constructions as well as public spaces aimed at the provision of public services in the fields 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 serving the public. Public infrastructure has a national or local character and is carried out with public or private investment.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

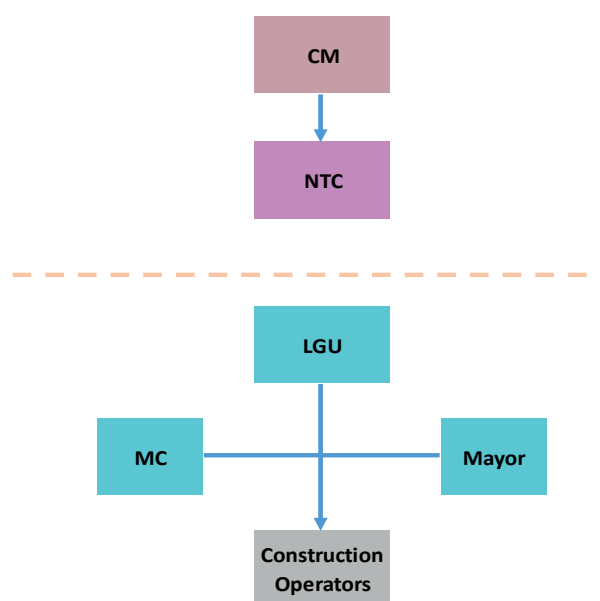


Chart7: Organization chart for the function: Public parks, gardens and green spaces (Article 23/9), Public Decoration Service (Article 23/8)

Implementation

46

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Maintenance of parks, gardens and public green spaces	Responsible institution
Planning	
Approves the general local plan with projections for the addition and / or expansion of green spaces	NTC/ Municipal Council
Approves detailed domestic plans with forecasts for adding and / or expanding green spaces	Mayor
Plans public décor	LGU
Organization	
Creates public spaces through building public infrastructure	
Protects, maintains and improves public parks, gardens and public spaces	LGU
Organize public décor	
REGULATION OF FUNCTION	
Object	Responsible Institution

Rules, conditions, procedures for use and management of public space	
Standards and planning indicators for residential areas and structural units	CM
Minimum Standards for Greenery	
Adopts regulations for the use of public spaces	Municipal Council
Regulates public décor	LGU

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Public space management			
Standards and planning indicators for residential areas and structural units	Private Subjects	Mayer	Construction Inspection Authorities
Minimum standards for Greenery			

5.1.8 HOUSEHOLD SOLID WASTE COLLECTION, DISPOSAL AND TREATMENT (ARTICLE 23/10)

• Box 4 •

Strategic Directions for the function of household solid waste collection, disposal and treatment

Strategic Directions

- New standards shall be adopted and applied for the urban waste integrated administration and management by means of using economic mechanisms to encourage the sorting and differentiated collection of wastes at source.
- Waste recycling, as an effort to reduce landfills and enable their incineration for purposes of producing electric energy will be promoted.
- Finalization and adoption of all the regional plans for a sustainable waste management, by closely monitoring their enforcement as well.

Midterm situation of the function

- Work is to be done to ensure the ownership of municipalities for waste management by regulating CG implementation and investment roles especially related to problematic areas of illegal waste disposal, landfills, deposit site and incinerators.
- According to MTR, new Strategy on Integrated Waste Management is generally in line with decentralisation principles: the central government retains policy and monitoring functions; while local governments are in charge of service delivery and investment.
- Approval of the strategic document will be followed by a review of the relevant legal framework (Law No. 10463/2011 on Integrated Waste Management amended in 2013, and other sub legal acts).
- The new DCM on measures and costs for integrated waste management provides guidance for local governments.

Definitions

Law No. 10463, dated 22.09.2011 “On Integrated Waste Management” defines the terms of collection and transportation.

“Collection” refers to the collection, including preliminary separation and storage of waste for transport to waste processing plants.

“Transportation” refers to the entirety of operations involving loading, transporting and unloading, as well as preparation, maintenance and maintenance of vehicles used to dispose waste.

“Treatment” refers to the recovery or disposal operations, including preparation before recovery or disposal

“Solid waste” refers to an item, object or part of it, which is no longer used or that the owner will dispose it off. The materials, objects or parts thereof are evaluated as waste, as long as the materials extracted from them or the generated energy are not included in the production process.

“Household waste” Refers to residues generated by the household sector in the municipalities and districts or subdivisions thereof, as well as other wastes that, because of their nature or composition, are the same or similar to household wastes from municipalities and their circles or subdivisions.

Findings

Legal gaps

48

Law No. 10463, dated 22.09.2011 “On Integrated Waste Management”, as amended, does not define the terms for collecting and disposing solid municipal or other household and similar waste.

This law does not define LGU’s responsibilities for collecting, disposing and treating household waste and the like.

Recommendation [26]: It is recommended that law no. 10463/2011 defines the terms and conditions of collection and disposal and the LGU responsibilities for collecting, disposing and treating solid and household waste.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

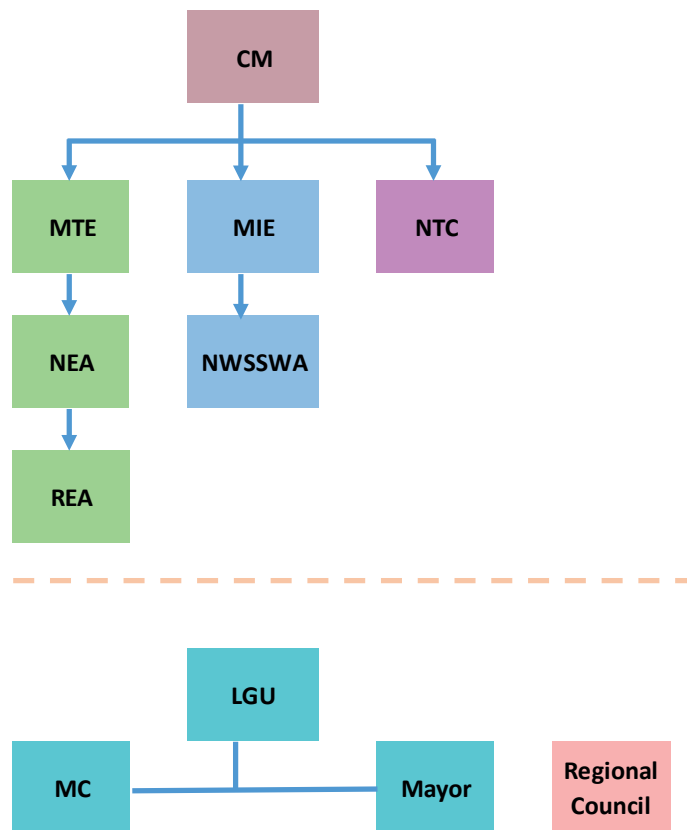


Chart 8: Organization chart for the function:
Household solid waste collection, disposal and treatment (Article 23/10)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Household Solid Waste Collection and disposal	Responsible Institution
Planning Drafts regional waste management plan Approves the regional waste management plan Drafts the local waste management plan Approves the local waste management plan	Regional Council Council of Ministers LGU Regional Council
Organization Issues permits to entities operating in the field of waste management (including waste transportation) Manages the waste generated within the territory of LGUs	MTE Mayer
Solid and Household Waste Treatment	Responsible Institution

Planning	
Builds and operates waste treatment facilities	LGU
Organization	
Manages the waste generated within the territory of LGUs	Mayer
Issues permits for physical or legal persons for the delivery of waste treatment operations	NEA (MTE)
Issues construction permits for facilities for depositing and treatment of waste	NTC

REGULATION OF FUNCTION

Object	Responsible Institution
--------	-------------------------

Solid and Household Waste Collection and disposal

50	<p>Measures and deadlines for the implementation of waste reclamation, reuse and recycling</p> <p>Criteria, rules and deadlines for reducing the amount of bio waste going to the landfill</p> <p>Minimum requirements for packaging, precautionary measures and deadlines as well as the establishment of systems for reuse or recovery of packaging waste</p> <p>General specification for responsibilities of the producer</p> <p>Measures for drafting the National Plan for Integrated Waste Management</p> <p>Measures for drafting and approving regional and local integrated waste management plans</p> <p>Rules, content and deadlines for the preparation of solid waste management plans</p> <p>Rules and standards for differentiated collection, and indicators for household waste reduction targets through recycling and composting</p> <p>It sets fees for the public waste disposal</p>	<p>CM</p> <p>MTE</p> <p>MTE</p> <p>LGU</p>
-----------	--	--

Solid and Household Waste Treatment

<p>Rules on the guarantees to be provided for the provision of environmental permits for landfills</p> <p>Rules and specifications for waste incineration, control and monitoring procedures</p> <p>Minimum technical norms and standards for waste treatment operations</p> <p>Waste treatment standards</p> <p>Study and project criteria for landfill construction and closure of solid waste dumpsites.</p> <p>Approval of the Best Available Techniques for Waste Management Installations</p>	<p>CM</p> <p>MTE</p> <p>MIE/ MTE</p> <p>NEA (MTE)</p>
---	---

Findings

Legal gaps

Pursuant to Law No. 10463, dated 22.09.2011 “On Integrated Waste Management”, as amended, the CM need to approve the following acts:

- Specification of extended responsibilities of the waste producer;
- Measures and methodology for design and approval of the National Plan for Integrated Waste Management.
- Measures for designing and approving regional and local integrated waste management plans;
- Rules on the guarantees to be provided in relation to environmental permits for landfills;
- Rules and specifications for waste incineration, control procedures and monitoring;
- Technical standards for waste treatment operations.

Recommendation [27]: It is recommended that MTE draft and approve the DCM for the specification of extended responsibilities of the waste producer.

Recommendation [28]: It is recommended that MTE draft and approve the DCM on the measures and methodology for design and approval of the National Plan for Integrated Waste Management.

Recommendation [29]: It is recommended that MTE draft and approve the DCM on measures for designing and approving regional and local integrated waste management plans.

Recommendation [30]: It is recommended that MTE draft and approve the DCM on the determination of rules on the guarantees to be provided in relation to environmental permits for landfills.

Recommendation [31]: It is recommended that MTE draft and approve the DCM to determine the rules and specifications for waste incineration, control procedures and monitoring.

Recommendation [32]: It is recommended that MTE draft and approve the DCM to establish minimum technical standards for waste treatment operations.

Some DCMs have been drafted and enforced in order to implement the law no10 463. It is worth to mention some of them such as DCM no. 608, dated 17.09.2014, “On the necessary measures for the collection and treatment of bio waste as well as the criteria and deadlines for their reduction”; DCM no. 418/2014 “On the Separate Collection of Waste at source”; DCM no. 687/2015 “on the adoption of rules for keeping, updating and publishing statistics on waste”. These acts address aspects of enforcing the law 10,463, they provide for the responsibilities, set targets and deadlines for their fulfilment; all of them are characterized by a common feature, all together they entitle municipalities with the establishment of a three-bin system for differentiated collection of municipal waste. In response to these DCM, standards and targets they establish, they have not been implemented from the municipalities due to their “inconsistencies - the inability of municipalities to implement and the lack of funding to support their implementation”. In addition, regarding the objectives, targets to achieve and the deadlines as set out in these acts have already expired, making them not implementable.

Recommendation [33]:It is recommended the revision and update of this DCM’s regarding the timelines and the target level of indicators according to objectives as set forth in the draft National Strategy of Integrated Waste Management. Some of them are not anymore in compliance with the law 10,463, so it is necessary to reallocate the responsibilities and activate state budget supporting funds to finance the achievement of targets.

Overlaps

DCM no. 319, dated 31.5.2018 “On the adoption of measures for calculating costs of integrated waste management “, pursuant to Article 20 of Law no. 10 463, in addition to cost calculation annex, also contains another annex that instructs municipalities for setting the service fee; respectively Annex 1 and 2 of the DCM. Annex 2 exceeds the attributes given in Article 20 of Law No. 10463, which, in points 1, 2 and 3, provides only for the calculation of costs and not the setting of service tariffs.

On the other hand, by defining the methodology of tariff calculation, it enforces the LGU to set the tariffs, which is an own function of the LGU. In this way, the determination of the tariff methodology affects LGUs autonomy, since, according to law no. 8094, dated 21.3.1996 “On public disposal of waste” and to the law 139/2015, the attribute for determining tariffs belongs only to LGUs.

Recommendation [34]: It is recommended to make additions to Annex 2 of this DCM, allowing LGUs to freely impose/allocate tariffs.

Law No. 10463, dated 22.09.2011 “On Integrated Waste Management” as amended, recognizes only the Mayor as the responsible authority for the municipal solid waste management created within the territory of its LGU; this stands contrary to Law 139/2015 which recognizes the LGU responsibility for collecting, disposing and treating solid and household waste.

Recommendation [35]: It is recommended the amendment of article 21, point 12 of Law No. 10463 to better define the responsibilities of the LGUs relevant to integrated waste management.

Law no. 10463, dated 22.09.2011 “On Integrated Waste Management”, as amended, provides for the IWM service to be fully regulated by describing all the processes necessary to carry out the service. At the same time, the law no. 8094, dated 21.3.1996 “On public disposal of waste”, regulates several aspects of IWM by LGUs, namely waste collection, disposal and transportation.

Law No. 8094 applies different terminology as compared to the Law 10463 which on the other hand complies with the terminology of EC Waste Framework Directive 2008/98. Over the provisions of Law 10463, the other Law 8094 defines the ownership of LGU on municipal solid wastes and the LGU’s obligation to outsource the service to private operators for the performance of the service. Compulsory outsource of service with private operators should be a discretionary only to the authority of LGUs as an authority exercising its function autonomously, not as a mandatory competence for them.

Recommendation [36]: It is recommended to abolish Law No. 8094, dated 21.3.1996 “On public disposal of waste”, and transpose some of its provisions such as determination of waste ownership, determination of tariff for the service by LGUs and other necessary provisions of this the law to the Law No. 10463, dated 22.9.2011 “On Integrated Waste Management”, as amended.

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Institution Imposing Penalties
<p>Measures and deadlines for the implementation of waste reclamation, reuse and recycling</p> <p>Criteria, rules and deadlines for reducing the amount of bio waste going to the landfill</p> <p>Minimum requirements for packaging, precautionary measures and deadlines as well as the establishment of systems for reuse or recovery of packaging waste</p> <p>Regulation for the control of specific waste streams management</p>		<p>MTE/ NEA/ Environmental and Forestry Inspectorate/ LGU/ Private Operator</p>	<p>Environmental and Forestry Inspectorate</p>
<p>Requirements for operations performed in the landfill</p> <p>Waste treatment standards</p> <p>Rules, content and deadlines for the preparation of solid waste management plans</p> <p>Study and project criteria for landfill construction and closure of solid waste dumpsites</p>	<p>LGU/ Private Operator</p>	<p>MIE/ NWSSWA/ LGU</p>	
<p>Implementation of waste disposal</p>		<p>LGU</p>	
System			
<p>Control and monitoring procedures in the landfill</p>		<p>CM</p>	
<p>Control and monitoring procedures for waste incineration</p>			
<p>Procedures of monitoring programmes for the system of IWM</p>		<p>NWSSWA</p>	
<p>Regulation for the control of specific waste streams management</p>		<p>Regional Council/ LGU</p>	

5.1.9 PRE-UNIVERSITY FACILITIES CONSTRUCTION, REHABILITATION AND MAINTENANCE , EXCLUDING VOCATIONAL SCHOOLS. (ART. 23/11)

Box 5

Strategic Directions for the function of Pre- university facilities construction, rehabilitation and maintenance, excluding vocational schools; kindergartens and nursery schools administration and regulation in the preschool system.

Strategic Directions

- New standards shall be adopted and applied for the urban waste integrated administration and management by means of using economic mechanisms to encourage the sorting and differentiated collection of wastes at source.
- Waste recycling, as an effort to reduce landfills and enable their incineration for purposes of producing electric energy will be promoted.
- Finalization and adoption of all the regional plans for a sustainable waste management, by closely monitoring their enforcement as well.
- Assignment of responsibilities and accountability mechanisms will be revised; review and harmonization of current legislation, clarification of competencies between the LGU and the RED/EO.
- Setting up minimum costs and standards for maintenance, safety and health performance.
- New mechanisms will be developed to strengthen the role of the new municipal management in the boards of educational institutions.
- Increase of funds allocated through competitive grants for primary education and pre-university education infrastructure and allocation will be made through a more transparent process.
- A new formula for unit/pupil will be defined by the responsible ministry.

Midterm situation of the function

- There are inconsistencies regarding the appointment of preschool teachers; inconsistencies about the dependence of school secretaries and social workers; the discrepancy between the number of employees transferred in some cases as well as the inconsistencies regarding the transfer of the former Children's Culture Centre.
- Inconsistencies persist between law 139/2015 and law on pre-university education, which has impaired full management authority of municipalities in pre-school system.
- Currently a revised draft law is in Parliament and is expected to address these inconsistencies.

Definitions

With the term "construction, rehabilitation and maintenance" of educational facilities of the pre-university education system, we have identified the following terms:

"Pre-university education" as defined by law no. 69/2012 "On the pre-university education system in the Republic of Albania", as amended, refers to the educational levels covered by codes 0, 1, 2 and 3, according to the "International Standard Classification of Education" adopted by the UNESCO General Conference, at its 29th session, in November 1997, respectively:

- a) "Level with code 0", pre-school education;
- b) "Level with code 1", primary education;

- c) “Level with code 2”, lower secondary education;
- ç) “Level with code 3”, higher secondary education;

In the pre-university education system are included the kindergartens, schools and complementary institutions, which could be public or private, among which private schools, that are non-public schools, are not established, financed or administered by the central or local government.

“Reconstruction” refers to works that consist of demolition and reconstruction with the same volume and shape of the former object.

“Common maintenance work” refers to interventions for repairing or replacing existing building refinements as well as those that are needed to keep existing technological plants in place.

“Extraordinary maintenance work” refers to works and the necessary changes for the renovation or replacement of parts, structural parts of buildings, as well as for the realization of hygienic-sanitary and technological services, provided that these works do not give rise to the number units and / or change of use, volume or surface of the units.

“Reconstruction works” refers to works that conserve, consolidate or transform the existing object through systematic works, where the object subject to reconstruction may undergo through change, including replacement, elimination, alteration of its structural parts and new elements.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

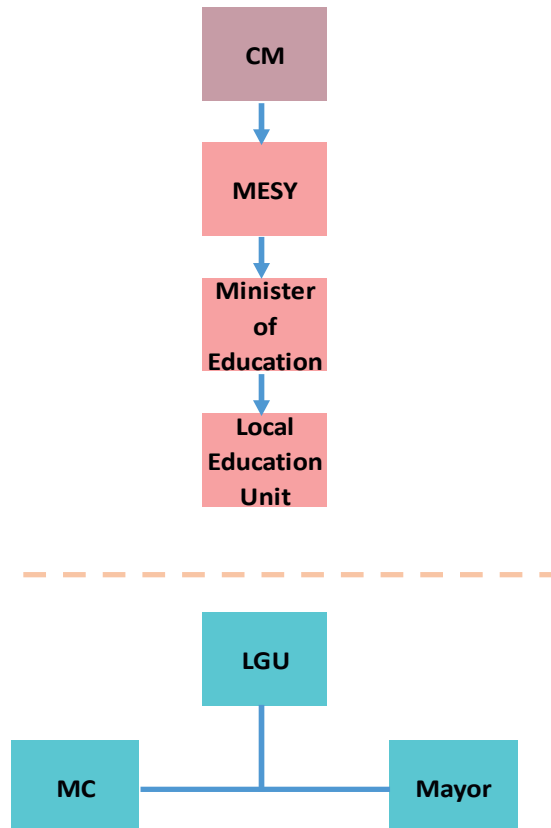


Chart 9: Organization chart for the function: Pre-university facilities construction, rehabilitation and maintenance, excluding vocational schools (Article 23/11)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION

Construction of educational buildings of the pre-university education system, with the exception of vocational schools

Planning

Proposal for the construction of a new building for the new pre-university education system

Approves the construction of new buildings of the pre-university system

Plans and implements investments and maintains educational institutions

Organization

Approves the construction of new buildings of the pre-university system

Rehabilitation of pre-university education system buildings, with the exception of vocational schools

Planning

Proposes the execution of works that conserve, consolidates or transforms the existing object through systematic works, where the object subject to reconstruction may undergo through change, including replacement, elimination, alteration of its structural parts and new elements

Plans and implements investments and maintains educational institutions

Organization

Approves the execution of works that conserve, consolidates or transforms the existing object through systematic works, where the object subject to reconstruction may undergo through change, including replacement, elimination, alteration of its structural parts and new elements

Maintenance of educational buildings of the pre-university education system, with the exception of vocational schools

Planning

Responsible Institution

**Mayer/
Local Educational Unit**

MESY

**LGU/
Local Educational Unit**

MESY

Responsible Institution

Mayer

**LGU/
Local Educational Unit**

LGU

Responsible Institution

Proposes common maintenance for interventions to repair or replace existing building refinements as well as necessary interventions to maintain existing technological implants

Proposes the extraordinary maintenance for the renovation or replacement of parts, including building structures, as well as for the provision of hygiene and sanitation services as well as and technological services, with the condition that these works do not add to the number of units and / or change of use, volume or surface of the units

Plans and implements investments and maintains educational institutions

Guarantees the inviolability of educational institutions and their facilities

Protects and maintains public education institutions

Guarantees hygienic-sanitary and heating conditions in buildings

In co-operation with the respective local education unit and public education institutions, enrol the students in public schools of compulsory full-time education

Based on the proposals of the local education units and the teachers' councils, supports:

- a) the students of families in need;
- b) the students with excellent achievements;
- c) the staff of educational institutions for their professional development and curriculum development;
- d) equipping educational institutions with teaching materials

Organization

Approves ordinary or extraordinary maintenance

Mayor

**LGU/
Local Educational Unit**

LGU

Mayor

REGULATION OF FUNCTION

Object

Responsible Institution

Criteria and procedures for establishing and closing down of public pre-university educational institutions

School Design Standards

Kindergartens Design Standards

CM

Findings

Legal gaps

Maintenance of buildings according to the definitions of terms provided in the law no. 107/2014, dated 31.07.2014 "On territorial Planning and Development " as amended, does not comprise preventive maintenance activities and other measures for sanitation, storage, lighting, heating of buildings.

In Albanian Language Dictionary² maintenance is defined as follows:

Take care about something (for a car, a gadget, a building etc.) to keep it in good condition, to

² Academy of Science..., Albanian Language Dictionary, 1980.

extend the time of use, etc., keep it clean.

According to this definition, preventive maintenance, provision of sanitary and sanitary conditions and maintenance of buildings may be considered as maintenance activities, while lighting or heating of buildings should not be maintenance but may be defined operational activities.

Recommendation [37]: It is recommended to clearly define the term “maintenance” with the purpose of distinguishing whether they are part of the function as defined in the law 139/2015, or the following competencies of the LGUs:

- Safeguarding educational institutions and their facilities;
- Preservation of public education institutions;
- Guaranteeing hygienic-sanitary and heating conditions in buildings;
- Based on the proposals of the local education units and the teachers’ councils, the LGU supports:(i) students of families in need; (ii) students with excellent achievements; (iii) staff of educational institutions for their professional development and curriculum development; (iv)provide educational institutions with teaching tools.

Overlaps

According to the criteria and procedures defined by DCM no. 662, dated 8.10.2014 “On the Establishment of Criteria and Procedures for Establishing and Closing down of Public Pre-University Educational Institutions” LGUs with a joint proposal of the local education unit proposes the construction of a new pre-university education system building

Recommendation [38]: Is recommended the amendment of DCM No.662, dated 8.10.2014 “On the Establishment of Criteria and Procedures for Establishing and Closing down of Public Pre-University Educational Institutions” to avoid sharing of competencies between central and local institutions and by defining only one responsible authority for proposing the opening of new public pre-university educational institutions.

58

MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
School Design Standards	Construction Company	Construction Inspectorate Authorities	Construction Inspectorate Authorities

5.1.10 KINDERGARTENS AND NURSERY SCHOOLS ADMINISTRATION AND REGULATION IN THE PRESCHOOL SYSTEM (ARTICLE. 23/12)

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

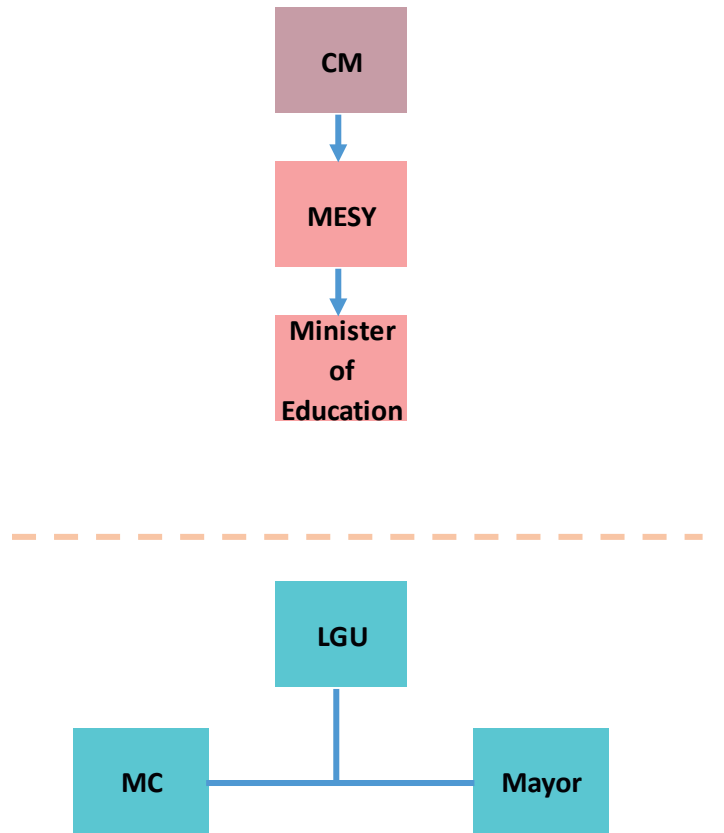


Chart10: Organization chart for the function: Kindergartens and nursery schools administration and regulation in the preschool system (Article. 23/12)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION		Responsible Institution
Administration of pre-school education system in kindergartens	Planning	LGU/ MESY
Guarantees the right of access to kindergartens		

Implements the National Strategy off for Pre-University Education
Evaluates the quality of educational service on the basis of indicators

MESY

Drafts and implements professional development policies of educational staff and accredits training programs

Approves curriculum documents

Approves the structure of the academic year

Approves the weekly and annual teaching load of the education staff and the number of pupils per class for the public education institutions

Minister of Education

Supports:

a) students of families in need;

b) staff of educational institutions for their professional development and curriculum development;

c) with the equipment of educational institutions with teaching resources.

LGU

Provides teaching equipment for public educational institutions

Organization

Opens and closes down public educational institutions

Issues certificates and awards for students and employees of the education system

Minister of Education

Builds and reconstructs buildings of educational institutions

Guarantees the inviolability of educational institutions and their facilities

LGU

Protects and Maintains public education institutions

Guarantees hygienic and sanitary and heating conditions in buildings

Performs registration of pupils in public schools of compulsory full-time education.

**LGU/
Local Education Unit**

Provides teaching equipment for public educational institutions

Supports:

a) students of families in need;

b) staff of educational institutions for their professional development and curriculum development;

c) with the equipment of educational institutions with teaching resources.

LGU

Administration of nursery schools in the pre-school education system

Responsible Institution

Planning

Guarantees the right of access to nursery schools

Plans the function

LGU

Organization

Organizes the function

LGU

REGULATION OF FUNCTION

Object

Responsible Institution

Design standards for kindergartens	CM
Design standards for nursery schools	
Criteria and procedures for opening and closing down public pre-university educational institutions	
Criteria, documentation and pupil's registration procedures	
Minister of Education	
Approves the draft regulation of educational institutions	LGU
Drafts the criteria for issuing certificates and awards	
Drafts the duties and functions of the council of teachers	
Drafts the criteria and procedures for opening and closing nurseries	
Drafts the criteria, documentation and registration procedures for children in nurseries	
Organization of public nurseries, selection of curricula	
Adopts nursery draft regulation	
Drafts the duties and functions of nursery educators	

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing SAnctions
Design standards for kindergartens	Construction Company	Construction Inspectorate Authorities	Construction Inspectorate Authorities
Design standards for nurseries			
Quality of service	Local Education Unit	National Educational Inspectorate	National Educational Inspectorate

Findings

Overlaps

The education system in kindergartens is regulated by law no. 69/2012 “On the pre-university education system in the Republic of Albania”, as amended, the administration and regulation that the law 139 charges LGUs is limited. LGU under Law 69/2012 is responsible only for some organizational activities, but planning and regulation of this function is fully carried out by the MESY.

Recommendation [39]: It is recommended to revoke the articles that regulate the function of administering and regulating pre-school education in kindergartens as in the law no. 69/2012 “On the pre-university education system in the Republic of Albania”, as amended.

LGUs and local education units are jointly responsible for registering pupils in schools as provided by Law no. 69/2012, dated 21.06.2012 “On the pre-university education system in the Republic of Albania”, as amended

Recommendation [40]: It is recommended to amend article 28, point 3 of law no. 69/2012, dated 21.06.2012 “On the pre-university education system in the Republic of Albania” as

amended, to avoid sharing of competencies between central and local government institutions and defining only one responsible authority with regard to the registration of pupils/students.

LGUs and local education units are jointly responsible for providing teaching equipment's for public educational institutions.

Recommendation [41]: It is recommended to abolish letter d of point4 of article 30 of Law no. 69/2012, dated 21.06.2012 "On the pre-university education system in the Republic of Albania" as amended, to waive the responsibility of the local education unit for this competence or revoke the letter ç of item 4 of Article 28 to waive the responsibility and avoid sharing of competencies between central and local institutions, and defining only one responsible authority on this area of competence.

5.1.11 PRIMARY HEALTH CARE FACILITIES CONSTRUCTION, REHABILITATION AND MAINTENANCE AND ... (ARTICLE. 23/13)

Box 6

Strategic Directions and MTR findings for the function of primary health care facilities construction, rehabilitation and maintenance and organization of educational and promotional activities at local level related to health protection, as well as administration of centres and other services in the field of public health.

Strategic Directions

- Analyses of the impact of the current level of implementation of shared functions by local government in primary health care, as a result of the administrative-territorial reform.
- Revision of the current legislation with the aim to clarify the role and institutional accountability on maintaining the physical infrastructure of primary health care institutions, which are under the local government ownership.
- Definition of competences of the LGUs associated with various programs on public health, such as HIV, the fight against tobacco, etc., and drafting service standards and calculating costs per unit.

Midterm situation of the function

- According to the local government organic law, municipal competencies primary healthcare are related with the maintenance of primary healthcare facilities (in the same manner as pre-university education system) as well as some public health functions. In practical terms , all these functions are fully retained by the central government, although some local government units deliver small scale maintenance work for primary healthcare centres.

Primary health care public services and public health functions of LGUs, in accordance with sectorial legislation, are divided into 3 main components, construction, rehabilitation and maintenance of primary health care facilities, organization of educational and promotional activities on health protection and management of centres and other services in the field of public health.

Primary health care facilities construction, rehabilitation and maintenance

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

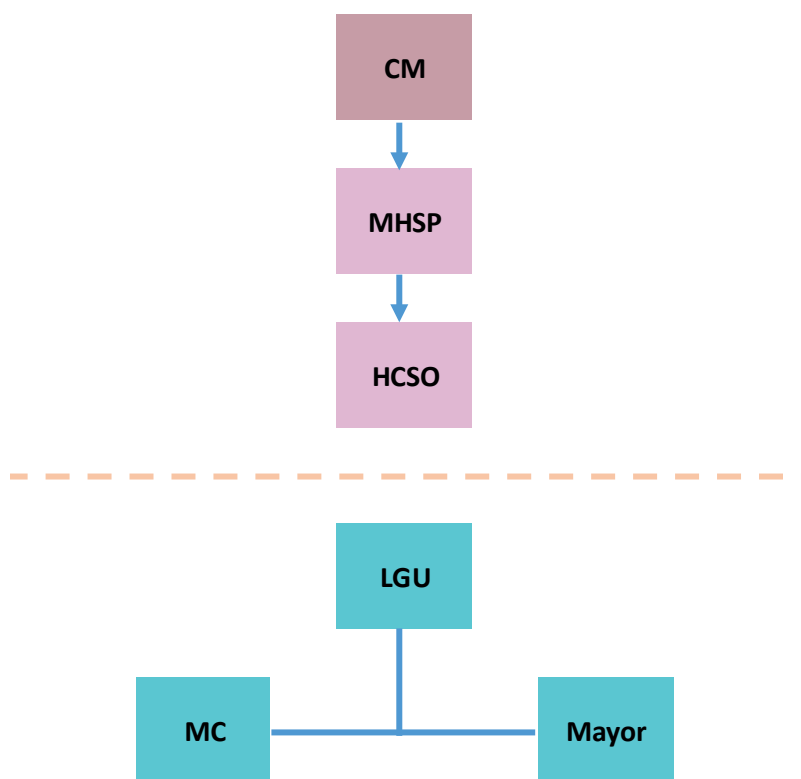


Chart11: Organization chart for the function:
 Primary health care facilities construction, rehabilitation and maintenance (Article. 23/13)

Definitions

“Healthcare” refers to the entirety of measures and activities undertaken by health care institutions, health workers and citizens, in order to improve the general physical, mental and social well-being of citizens.

“Primary health care buildings” refers to the buildings of local health care units, health centres owned by LGUs.

“Public health” refers to the entirety of the society organized efforts to extend life, prevent disease and promote health of the whole population, consisting of:

- Promoting health;
- Health education;
- Prevention of diseases, including immunization, screening;
- Food safety;
- Health at work;
- Environmental health, including urban waste monitoring;
- Reproductive health, including maternal, child health and sexual health;
- Prevention and control of abusive use of substances (tobacco products, alcohol, narcotic and psychotropic substances etc.);
- Mental health;

- Information system n public health;
- Epidemiological surveillance in public health;
- Public health labs;
- Monitoring public health services in primary health care;
- Scientific research on public health;
- Public health training.

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION

Primary health care facilities construction, rehabilitation and maintenance

Responsible institution

Planning

Directs the policies, organization and supervision of the health care system

MHSP

Organizes the work on primary health care services provision through health centres/clinics

HCSO

Analyses and breaks down policies, development strategies, programs, regulatory framework in the field of health, focusing on components related to the provision of health services

Assesses the needs and problems encountered during the provision of health services

Identifies and analyses public health service needs, resulting from the integration of needs presented in studies, analysis, IPH research etc.

Assesses the state and the quality of health services, in order to analyse the existing situation and the level at which it is to be achieved and what needs to be changed/improved to the health service

Central Directorate of HCSO

Guarantees the resources (human, goods / material, equipment / technology, services), in accordance with the requirements as instructed by dependency structures

Assess the need for resources and the existing situation on the ground, plans the quantity of resources needed and program their allocation

Plans the needs for healthcare services at the regional level

Regional Directorate of HCSO

Ensures that health services are provided within the standards

Organization

Runs health care facilities, which are owned by them

Builds, rehabilitates and maintains health centres

Creates and maintains a healthy environment

Provides financial contributions to health institutions within their jurisdiction

LGU

Findings

Legal gaps

The General Regulation “On Contracting of Primary Health Care Services” issued pursuant to Article 9, point 4 of Law No. 10107, dated 30 March 2009 “On Health Care in the Republic of Albania”, as amended, which is issued to regulate the organization and functioning of primary health care, does not regulate the responsibilities of LGU relevant competencies regarding planning, financing and organizing the service as well as for primary health care facilities construction, rehabilitation and maintenance.

Recommendation [42]: It is recommended to clearly define in the regulation the procedures, planning patterns, funding and organization competences of these in particular, the criteria and procedures for opening, closing down and rehabilitation of primary health care facilities.

There is no legal act that sets the standards with regard to the construction of primary health care facilities

Recommendation [43]: It is recommended that construction standards of primary health care facilities should be drafted and approved.

According to article 5, point 2, letter b of law no.10 107, , dated 30 March 2009 “On Health Care in the Republic of Albania”, as amended, LGU’s are responsible for the administration of health care facilities, which are owned by them. The term administration in this law is undefined and may be interpreted expansively or differently from the definition in Law 139/2015.

Recommendation [44]: It is recommended to provide a definition on “administration” of health care facilities in Law No. 107 107 and to ensure harmonization with the LGU responsibility for construction, rehabilitation and maintenance of these facilities, as defined in Article 23, point 13 of Law 139/2015.

Pursuant to Article 5, point 3 of Law No. 10 107, LGU takes measures to provide health care services, in coordination with the MHSP. This function does not comply with the area of responsibility foreseen by law 139/2015, therefore it is rather a delegated function. At the same time, the acts do not define concrete measures to be taken by LGUs to provide healthcare services.

Recommendation [45]: It is recommended that acts determine concrete measures to be taken by LGUs to provide health care services, as well as to foresee the required funds necessary for the finance of these measures as delegated function.

Organization of educational and promotional activities at local level related to health protection

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

Implementation of educational and promotional activities for health protection	Responsible institution
Planning	
Defines, coordinates and directs public health policies	MHSP
Drafts “Health Promotion Package”	IPH
Approves the “Health Promotion Package”	MHSP
Coordinates and implements health promotion activities	Regional Public Health Structures

Plans activities

Organization

Implements health education and promotion

Organizes activities

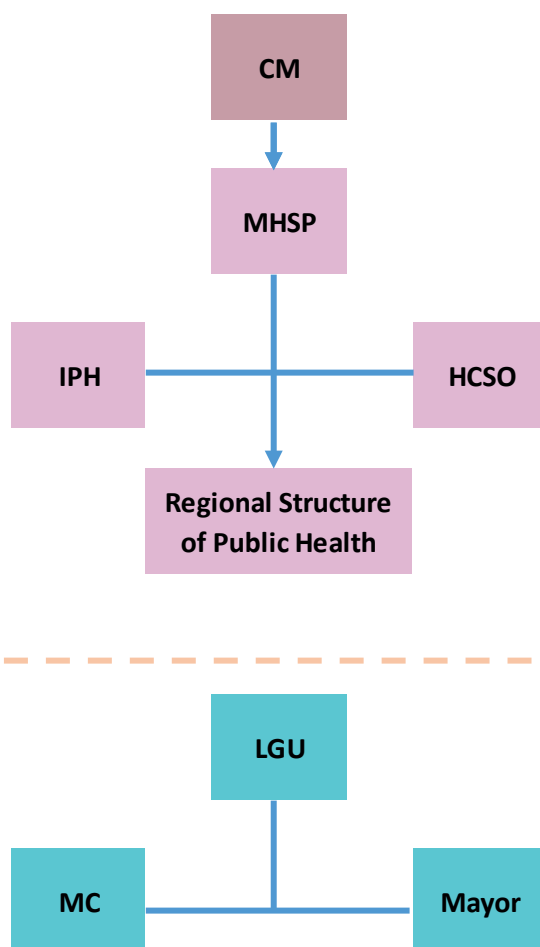
LGU

Regional Public Health Structures

LGU

Administration of centres and other services in the field of public health

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:



66

Chart12: Organization chart for the function: Organization of educational and promotional activities at local level related to health protection, as well as administration of centres and other services in the field of public health (Article 23/13)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

Administration of other centres and services in the field of public health	Responsible institution
Planning	
Defines, coordinates and directs public health policies	MHSP
Implements functions and services of public health	
Oversees the epidemiology of infectious and non-infectious diseases	
Manages national registers	IPH
Performs scientific research on public health	
Follows international health news, including systems and practices	
Informs the population about public health issues	
Coordinates and implements activities in the field of public health	
Collects and processes health information	
Analyses the health status of the population and the risk factors	
Analyses and interferes in order to maintain and improve the quality of public health services in primary health care	Regional Public Health Structures
Controls and prevents diseases through specific public health programs	
Report periodically to LGU structures	
Informs the population about public health issues	
Organizes the work on providing basic public health services and other ancillary services, according to the public health service package	
Coordinates the administration of human resources in the public health system	HCSO
Guarantees the resources (human, goods / material, equipment / technology, services), in accordance with the requirements as instructed by dependency structures	
Assess the need for resources and the existing situation on the ground, plan the quantity of resources needed and program their allocation	Central Directorate of HCSO
Organization	
Implementation of specific public health projects	Regional Public Health Structures / LGU / Other participants of the public health system
Supports the activity of health workers, for the implementation of measures for the prevention and control of infectious diseases	LGU /
Delegated function	Responsible institution
Takes measures to provide health care services, in coordination with MHSP	LGU

Findings

Legal gaps

Pursuant to Article 24 of Law No.10 138, dated 11.5.2009 “On Public Health” as amended, the functions of regional public health structures may also be implemented through specific projects, in cooperation with LGUs and with other participants in the public health system. On

this basis the LGUs can exercise the activity of administering other public health services, in addition of promotion of health and health education.

Regarding the administration of the centres for the provision of these services, the responsibilities of LGUs and other institutions involved are not regulated in the sectorial legislation in force.

Recommendation [46]: It is recommended to regulate the responsibilities for the administration of centres for the provision of services in the field of public health because the legal basis in force does not specify LGUs as a responsible institution.

According to the information provided in the MHSP's official website, LGUs currently do not administer any public service delivery public health centre. Public health services are supported and supervised by IPH. In addition, providers of these services include several national institutions such as the National Blood Transfusion Centre, the National Centre for Health Care, Child Development and Rehabilitation and the University Dental Clinic. The only case of such a centre with the participation of LGUs for these services, is the case of a pilot project being implemented by the Regional Health Authority (RHA) of Tirana based on the DCM no. 394, dated 27. 7.2000 "On the Establishment, Organization and Functioning of Authority", as abolished by DCM no. 419, dated July 4, 2018 "On the establishment, manner of organization and functioning of the health care service provider".

Recommendation [47]: Since many services offered from LGU need to rely on public health protection instruments and funds such as the provision and control of drinking water quality, monitoring sewage discharge, monitoring of household solid waste management as well as services of LGUs in the field of environment, land and biodiversity protection, it is recommended to develop a strategy for the establishment and the implementation of these centres with the participation of LGUs.

REGULATION OF FUNCTION

Object	Responsible institution
The organization of functioning of primary health care	MHSP
Hygienic and Health standards	CM
Package of public health services	MEI
Design standards of health centres	MEI

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Construction Standards	Construction Companies	MIE/ Inspection Authorities	Construction Inspectorate Authorities
Health Activity Standards	Primary Private and Public Health Service Centres	MHSP/ IPH/ Regional Directorate of HCSO LGU Administrative Control	Inspectorate responsible for Health

5.1.12 TERRITORIAL PLANNING, ADMINISTRATION, DEVELOPMENT AND CONTROL (ARTICLE. 23/14)

Box 7

Strategic Directions for the function of territorial planning, administration, development and control

Strategic Directions

- The Law on Local Finances will review the tax on urban land and infrastructure impact tax as well as some other financial instruments.
- Drafting and approval of territorial plans by each municipality in accordance with regional plans and the National Development Plan under the new territorial planning law.
- Changes of the internal organization of LGUs, so that they respond to the demands for administering a larger territory.
- Financial support will be provided to local authorities to review all territorial plans they have as well as the database created for their territory

Midterm situation of the function

- Organization charts and manuals for municipalities have been developed, which will be further improved according to the new specifications.
- There is still low progress regarding the preparation of the job description / mission model for each of the new local administrative units for each key function / process as well as for each unit job position.

Definitions

“Planning” refers to the timely completion of the plan of measures to be taken, the organization of work, deadlines, definition of tasks and indicators necessary for the harmonious and proportional development of the activity related to the territorial development.(Albanian Language Dictionary³).

“Administration” refers to the right to plan, fund and organize the exercise of the function.

“Territorial development” refers to the process of changing the territory through new constructions or changing existing constructions.

“Territory” refers to geographic, ground, air, water and airspace that matches the administrative and territorial divisions of LGUs, according to the legislation in force.

“Development control” refers to the process by which the responsible planning authority evaluates and decides whether a development request, a request for construction, execution of a work or construction complies with the planning, development and development control documents adopted, the construction code and the requirements of the legislation in force.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

³ Science Academy..., Albanian Language Dictionary, 1980.

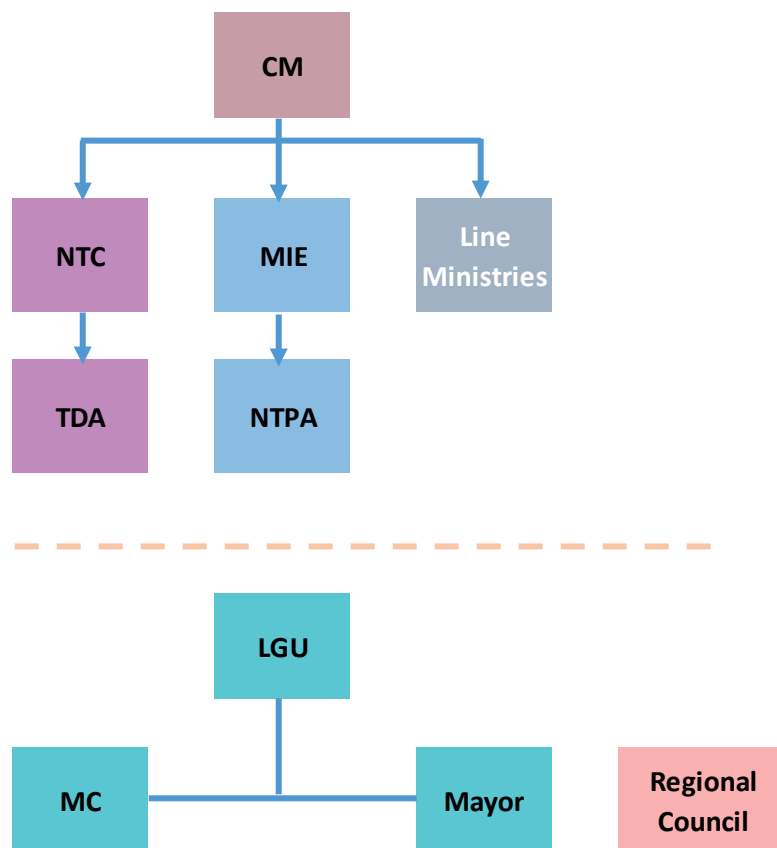


Chart13: Organization chart for the function: 5.1.12
Territorial planning, administration, development and control (Art. 23/14)

70

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Territorial Planning	Responsible Institution
Undertakes the initiative for drafting and reviewing local planning documents	Mayor
Approves the initiative for drafting or reviewing the overall local plan	Municipal Council
Drafts and revises territorial planning documents in full compliance with the National Territorial Plan and, as appropriate, in accordance with sectorial plans and detailed plans of national important areas, and complying with the technical territorial planning standards	Mayor
Cooperates with public institutions and allocates the necessary human resources to draft planning documents at local level	
Determines the compatibility of the planning document and proposes for its approval to the NTC	NTPA
Approves the general local plan	Municipal Council / NTC

Approves detailed local plans	Mayor
Approves the initiatives and documents for regional sector planning	Regional Council
Supports vertical coordination between national and local planning authorities during planning processes at local level in order to harmonize the handling of national and local importance issues in the field of territorial planning	NTPA
Coordinates planning processes at the regional level	Regional Council
Supports drafting of local planning documents by relevant authorities and assists them to meet the standards set out in law on territorial planning and other laws, guiding issues in accordance with the area of responsibility of different ministries.	Line Ministries
Organizes, administers and maintains the integrated territorial planning database - the National Territorial Planning Register - with all planning documents in central and local government level that have entered into the approval process or have been approved by the relevant authorities as well as other additional data, which relate to the territorial planning	NTPA
Proposes to CM proposes the necessary measures for the sustainable development of the territory	MIE
Drafts the legal framework for territorial planning and development	MIE

Territorial development and control	Responsible Institution
Drafts the legal framework for territorial planning and development	MIE
Issues development permits, construction permits, suspends permits for complex development structures that relate to issues, areas, objects of national importance, or strategic investments for the national interest	NTC
Issues a certificate of use for complex development types that relate to issues, areas, objects of national importance or strategic investments for the interests of the country	Involved Institutions/ LGU
Develops local territory through drafting and implementation of territorial planning documents	
Issues development permits and construction permits	Mayor
Suspends development permission and construction permits	
Issues the certificate of use for construction permits	
Ensures a basic level of construction suitability in existing buildings in their administration	LGU
Assesses the compliance with the legal requirements for works carried out on the basis of the preliminary declaration for works	

REGULATION OF FUNCTION

Object	Responsible Institution
Approves the regulation of planning, development and construction.	
Approves the content, structure and procedure for drafting, implementing and monitoring the implementation of the plans	CM

Findings

Legal gaps

The amendment of higher hierarchy planning documents than the local general plan may call for revision of the latter, with the aim to harmonize development. Article 12 of the Decision of the Council of Ministers no. 686, dated 22.11.2017 “On the adoption of the territory planning regulation” sets out the procedure to be followed by the LGUs to carry out the review. Some of the procedures provisioned in this article, such as consultation and meetings with the public, are already met when designing the amendment of the highest hierarchy planning document.

Recommendation [48]: It is recommended to make some additions to the DCM no. 686, dated 22.11.2017 “On the adoption of the territory planning regulation”, defining therefore a more simplified procedure for revision of the general local plans.

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Implementation planning documents			Not available
Implementation of the General Local Plan and the Local Sectorial Plan			
72 Legal framework compliance and implementation for public scrutiny and, review and control of local development plans during the drafting process	Private Subjects	LGU/ NTPA/ Ministries by area of responsibility	Inspection Authorities
Assessment of the compliance with the legal requirements for the works carried out on the basis of the preliminary declaration for the implementation of works	Construction Companies/ Designer/ Supervisor/ Auditors	Mayer/ Inspection Authorities	

5.2 SOCIAL SERVICES SECTOR

5.2.1 SOCIAL SERVICES PROVISION AND ADMINISTRATION AT LOCAL LEVEL, FOR PEOPLE/FAMILIES IN NEED, ... (ARTICLE 24/1);... (ARTICLE 24/3); ... (ARTICLE 24/4)

Box 8

Strategic Directions for the function of social care

Strategic Directions

- Social service function at local level will be decentralized and transferred to the competence of municipalities;
- Establishment of integrated social service offices in each municipality and design of the “basket of basic service” funded from state; drafting of local social plans.
- Improving capacities and qualities of the social services related to orphanages, day care, elderly homes, etc.
- Drafting of minimum standards for the service provisions by the responsible ministry.

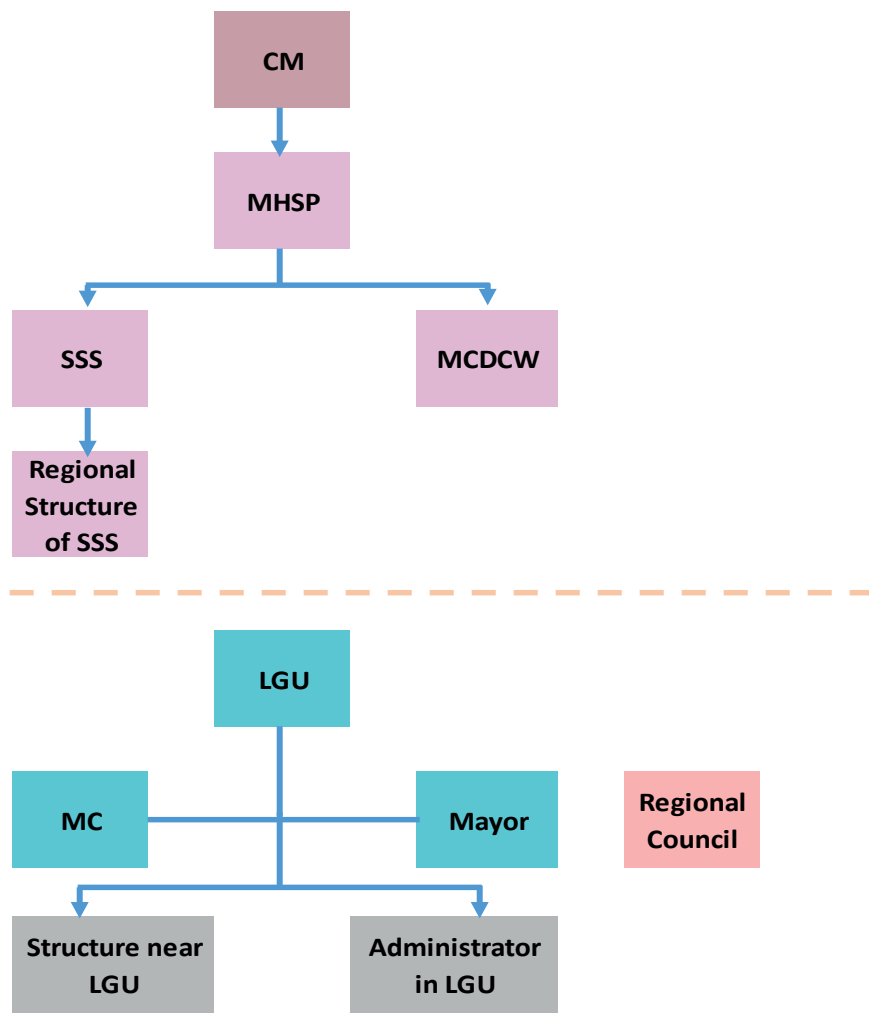
Midterm situation of the function

- The strategic and legal framework for social protection and social care services is in line with the decentralization principles as defined in the NCSDLG, recognizing the role of local governments in reaching out and supporting people/families in need.
- The sector law has defined concepts such as the minimum standards. However, no clear progress has been achieved in practice.

The analyses of implementation of functions to establish and administer social services at local level as specified above and in support of sectorial legislation has been made into two main components: “managing economic assistance to people/families in need and persons with disabilities” and “management of social care services and the construction and administration of centres for the provision of social care services”

Administration of economic assistance for the people/families in need and persons with disabilities

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:



74

Cahert14: Organization chart for the function: *Managing economic assistance for the people/families in need and persons with disabilities (Article. 24/1_2_3)*

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Provision and administration of social services at local level	
Administration of Economic Assistance for Families in need and Persons with Disabilities	Responsible Institution
Planning	
Drafts policies, legislation, programming of economic assistance funds, disability benefits and social services, norms and standards of services, as well as controlling their implementation at all levels of central and local structures	MHSP

Reviews the parameters of economic assistance programs, including reviewing the assessment criteria for aid and disability and updating the unified scaling formula, which helps determine the household eligibility criteria for obtaining economic assistance, based on the change of the level of poverty in the country	SSS
Organization	
Implement the programming and control of the use of State Budget funds for economic assistance, the payment of persons with disabilities and social care services	
Administers social services for individuals at national level	SSS
Establishes and administers a national electronic register, which includes applicants and beneficiaries of economic assistance, disability allowance and social care services	
Decides on the approval of beneficiaries for disability payments	(MCDCW)
Verifies the data recorded by the social worker in the national electronic data registry and the state authorities responsible for families / individuals in need, who are proposed by a municipal council decision to be treated with economic assistance	Regional Structures of SSS
Decides whether or not to approve family / individuals in need, as beneficiaries of economic assistance, and their extent of benefit	
Takes the decision on the proposal that families / individuals in need are treated with economic assistance and foresees the relevant extent of benefit	
Approves the fund for the payment of persons with disabilities	
Approves the granting of economic assistance to the applicant households, which have not been declared beneficiaries by the scoring system based on the socio-economic assessment carried out by the social administrator	Municipal Council
Approves the payment of persons with disabilities	
Notifies the applicant for the benefit of the economic assistance within 24 hours	LGU
Drafts the decision for families / individuals in need, under the jurisdiction of the municipality, for treatment with economic assistance and calculates the fund for their coverage	Structures near LGU
Submits to the municipal council the draft decision on the proposal for families / individuals in need that will be treated with economic assistance and the extent of benefit for these families / individuals	
Drafts the decision for the persons with disabilities benefiting payments	
Drafts the budget request and the draft budget for the following year for economic assistance and payments for persons with disabilities	
Collects and prepares information and statistics, and send them out to the regional structures of the State Social Service, keeps the register of beneficiaries and follows the expenses for economic assistance and the payment of persons with disabilities	Structures near LGU

Identifies families in need of economic assistance as well as people with disabilities	Administrator in LGU
Verifies twice a year the social and economic situation of households that are treated with economic assistance and, families receiving assistance for the first time	
Presents to the structure responsible for social services in the municipality data on families / individuals in need, who have applied for economic assistance and payments as persons with disabilities	
Assists in the preparation of documentation for persons applying to benefit of economic assistance, payments for disability and social care services, and administers the documentation	
Drafts the request for the aid and disability pension fund every two months for LGU	
Collects and compiles information, statistics and keeps a register of beneficiaries, tracks expenditures on economic assistance, disability payments	
Submit the data declared by the applicant for economic assistance to the national electronic register	
Contributes to the drafting process of the draft decision on the proposal that families / individuals in need are treated with economic assistance as well as the list of persons with disabilities	
Reports to the municipality statistical data on the number and fund for families / individuals of economic assistance and disability payments	

76

REGULATION OF FUNCTION

Object	Responsible Institution
---------------	--------------------------------

Economic Assistance for Families in Need and Persons with Disabilities

Procedures, documentation and criteria to be met by families and individuals in need of economic assistance	CM
Criteria and details of the unified scaling formula for obtaining economic assistance	
Criteria, documentation and extend of benefit for persons with disabilities	
The procedures of controlling the social assistance program and services	
Indicators of evaluation and monitoring of economic assistance programs, payments for persons with disabilities and social services	
Measures, criteria, procedures and documentation for the assessment and benefit of disability and personal assistant, as well as their responsible structures and duties	
Duties and responsibilities of structures of LGU	
Implementation of the criteria, procedures, documentation and extent of the economic assistance	
Implementation of indicators for the evaluation and monitoring of economic assistance programs, payments for persons with disabilities and social services	

MHSP

Findings

Overlaps

The regional structures of SSS approve or refuse whether a family / individual in need is to be treated with economic assistance. These structures foresee to define the corresponding amount of benefit. Furthermore, the “Medical Commission for f Work Capability Assessment”, approves the beneficiaries for the disability payment. Meanwhile the DCM no. 955, dated 7.12.2016 “On the determination of the criteria, procedures, documentation and the amount of benefit of the economic assistance”, defines the criteria and the amount of benefit.

These provisions evidence that the role of the Municipal Council and / or structures near LGU is unnecessary and a bureaucratic addition to this function.

Recommendation [49]: It is recommended that the provisions on competencies of LGUs foreseen in the law no. 9355 to be abolished; regional structures of SSS should remain fully responsible in exercising these competences directly. This recommendation is in compliance with the provisions of the draft law “ On social protection in the Republic of Albania”.

DCM no. 563, dated 12.8.2005 “On the responsibilities of the regional council for the distribution of social care services”, provides for the establishment of social care services structures with specific responsibilities at regional council level.

The law “On the state budget for the year 2019” in its article 16 provides that the administrative staff of the regional council cannot exceed 10 people, in compliance with the provisions of law no. 109/2017 “On the State Budget for the year 2018”. Furthermore, from the review of the organizational structures of some regional councils, in many of them there is no staff to carry out the responsibilities for economic assistance services and disability payments. In terms of reducing human resources these responsibilities are no longer realistically applicable at the regional council level.

Recommendation [50]: Where regional councils are unable to implement these functions, it is recommended to abolish the responsibilities of regional councils for this function.

MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Economic Assistance for Families in need and Persons with Disabilities			
Procedures for controlling the social assistance program and services	Structure in LGU/ Social Workers in LGU	SSS/ Inspectorate of Economic Aid	Mayor
Economic assistance programs, payments for people with disabilities and social services			
System			
Implementation of indicators for assessment and monitoring of economic assistance programs, payments for persons with disabilities and social services		MHSP	
Implementation of the criteria, procedures, documentation and the extent of the economic assistance benefit		MHSP	

Legal Inconsistencies

Article 41 of Law no. 9355, dated 10.03.2005 “On Social Assistance and Services” as amended, provides for the competencies of the Inspectorate for Economic Assistance, Disabilities Allowance and Social Services, verification of administrative infringement by LGU structures and proposes to the Mayor to impose administrative measures on offenders. This form of regulation of the monitoring and evaluation process taken by the central bodies is ineffective in practical terms, as the administrative measure remains at the proposal level.

Recommendation [51]: It is recommended to amend this article, by foreseeing that the Inspectorate for Economic Assistance, the Disability Allowance and Social Services should exercise the right to impose directly administrative measures, closing the monitoring and evaluation cycle at the level of central bodies.

Social care services administration and construction and administration of centres for social care services provision

Box 9

Strategic Directions and MTR Findings for the function of establishing of the social fund, in cooperation with the ministry responsible for social protection for financing the services

Strategic Directions

- Improve the activity of the Social Fund and establishment of the National Fund for Social Services and Regional Funds for Social Services.

Midterm situation of the function

- The regulatory framework is currently under development. However, funding sources and operational details for the social fund remain unclear.
- Establishing social fund to finance the design and implementation of services at local level is expected to support local government units in creating and extending the range of social care services.

Delegated function: economic assistance

- The functions of local government in social protection - poverty alleviation are centralized and local governments act as central government agents in managing cash pacing scheme. This change in politics is properly reflected in the legal framework, but the public is not fully aware
- Amendment of the legal basis for the social sector in 2016 included the adoption of several by-laws on the provision of economic assistance at central and local level, also allowing some legal advantages for LGUs: increasing the limit from 3% to 6%.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

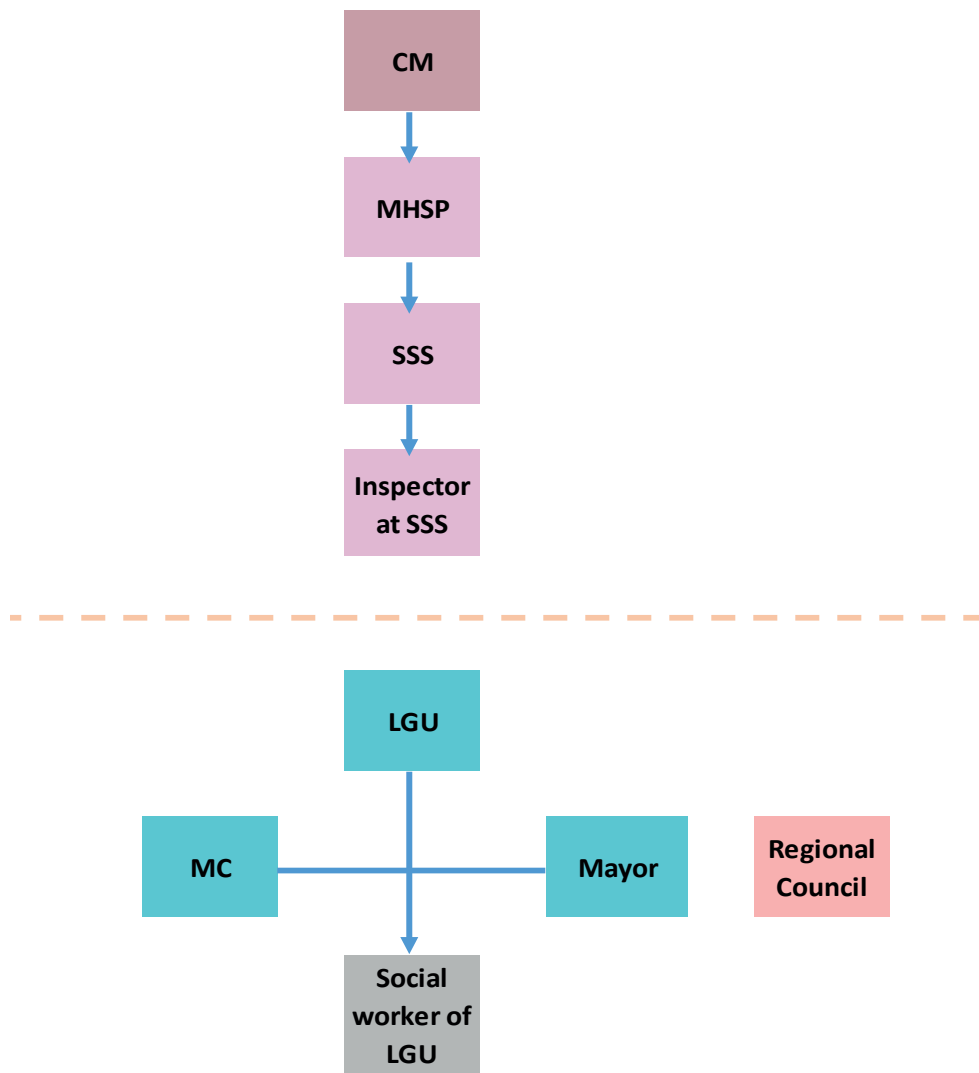


Chart15: Organization chart for the function: Social care services management and construction and administration of centres for social care services provision (Article. 24/1_2_3)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

Social Care Services Administration and Construction and Administration of Centres for Social Care Services Provision	Responsible Institution
Planning	
Drafts the policy documents for reforming and modernizing the social care services system, with the aim at increasing their provision and effectiveness	MHSP
Drafts and / or proposes legal and sub legal acts to enhance the regulatory framework of the social care service system functioning	
Develops and carries out awareness raising campaigns that encourage assistance, volunteer work and other forms of support in favour of individuals and families in need for social care services	
Drafts cooperation documents between actors involved in the implementation of social care services system, in order to effectively coordinate cooperation	
Programs, as a separate item in the budget, funds for the financing of social care services that are delegated to the municipalities as a transfer to the social fund	
Drafts and approves training and education manuals on the provision social care services by the providers, with a view to uniform the implementation of the law	
Advises and guides LGU in relation to the structures to be set up by them to implement the system of social care services and the planning and service provision	
Drafts and submits for approval the needs for funding from the State Budget for social care services activities	LGU
Drafts the local social plan	
Drafts the regional social plan coordinated with the social plans of LGU	Regional Council
Provides specialized services in regional co-ordination of cases for social care services located at the regional level	
Decides on the approval or refusal of the application for admission to the social care service system	Municipal Council
Identifies needs	LGU
Assesses needs based on the vulnerability map	
Programs local budgets	
Plans the basic basket of social services	
Coordinates with the State Social Service the necessary social care services	
Organization	

Creates and manages the social fund through which financial support for LGU is provided, with the aim of improving standards and management capacities of existing social care services, creating new services, and developing social policies.	MHSP/ LGU
Plans, builds, administers and maintains social care services regularly	LGU
Contracts the social care services provision through procurement procedures	LGU
Accepts requests and documentation to use social care services	
Verifies the social and economic situation of individuals and families in need of social care services through identification of cases	Social worker of LGU
Assists in the preparation of documentation for persons applying for social services through counselling, mediation and referral to social services at local, regional or national level	
Participates in the process of drafting social care plans for people to be treated or who are denied the social care services through assessment, pursuit, monitoring and closing of the case	
Prepares the documentation and proposals for approval by the municipal council	Social worker of LGU
Collects and compiles information, statistics and keeps registers of beneficiaries, tracks expenditures for persons in need of social care services	
Collects information on public and non-public service networks operating in the municipal territory	
Administers national electronic registry where all LGU have access	SSS
Accesses and submits data to the National Electronic Registry	LGU
Drafts the type documentation for social service beneficiaries	
Carries out an assessment of the needs of social care services	
Collects, analyses and processes information on the performance of the social care service system and periodically reports on MHSP	
Drafts the annual needs assessment report for social care services and public and non-public service capacities	
Trains LGU staff covering aspects of social services	SSS
Coordinates the process of drafting social care plans, ensuring that these plans match national strategies	
Updates and maintains the National Electronic Register with data on beneficiaries and demanding social care subjects	
Sends social statistics related to social care services and social payments to the ministry	
Cooperates and provides information to other state bodies on cases that fall within their competence regarding the activity of providing social care services	Inspectorates of SSS
Reports periodically to the ministry responsible for social issues on the results of the inspection of social care services	

REGULATION OF FUNCTION	
Social Care Services Administration and Construction and Administration of Centres for Social Care Services Provision	
Object	Responsible Institution
Minimum standards of social care services	MHSP
Criteria and requirements to be met by the social care services providers	MHSP

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Social Care Services			
Service Standards	Structure in LGU/ Social Workers in LGU	Inspectorate of SSS	Inspectorates of SSS
Facilities and documentation of subjects that provide social care services			

Findings

Legal Incontinences

Article 47, point 4 of Law 121/2016 “On social care services in the Republic of Albania” provides that CM approves the procedures for establishing and functioning of the social fund, pursuant to this provision, the DCM no. 111 dated 23.12.2018 “On the Establishment and Functioning of the Social Fund.”, has been approved. In this DCM, the financial resources for the establishment of the fund are determined, while the manner of its functioning is not, explicitly is not determined the (i) manner of distribution of the fund (the criteria) to the LGUs based on the respective budgeted social plans, (ii) the authority responsible for approving its distribution, failing to complete its objective.

Paragraph 5 of this Article envisages the provision of social care services through non-profit organizations and private providers, under the condition that LGUs cannot provide these services through the social fund, surpassing its objective based in-law. Furthermore, this DCM does not specify (iii) the modalities cooperation between central and local authorities for the administration of social funds, in accordance with Article 47, point 1.

Recommendation [52]: It is recommended the amendment of DCM no. 111 dated 23.02.2018 “On the Establishment and Functioning of the Social Fund”, defining: (i) the method (criteria) of distribution of the Fund to the LGUs based on budgeted social plans, (ii) define the responsible authority for approving the distribution of the fund; as well as (iii) the modalities of cooperation between central and local authorities for the administration of the social fund.

5.2.2 SOCIAL HOUSING CONSTRUCTION AND ADMINISTRATION OF BUILDINGS (ARTICLE.24/2)

Box 10

Strategic Directions and MTR findings for the function of social housing construction and administration of buildings

Strategic Directions

- Social housing will be reformed in harmony with the new housing strategy.
- LGUs will be encouraged to establish cooperation with private sector and/or non-profit organizations.
- Designing of 10-year social housing plans from each municipality and plan specific funding for this function.
- Enhancement of capacities to administer the demand for social housing and the management of the social housing stock will be prioritized in the midterm period.

Midterm situation of the function

- Progress has been achieved towards the development of the strategic and legal framework on social housing.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

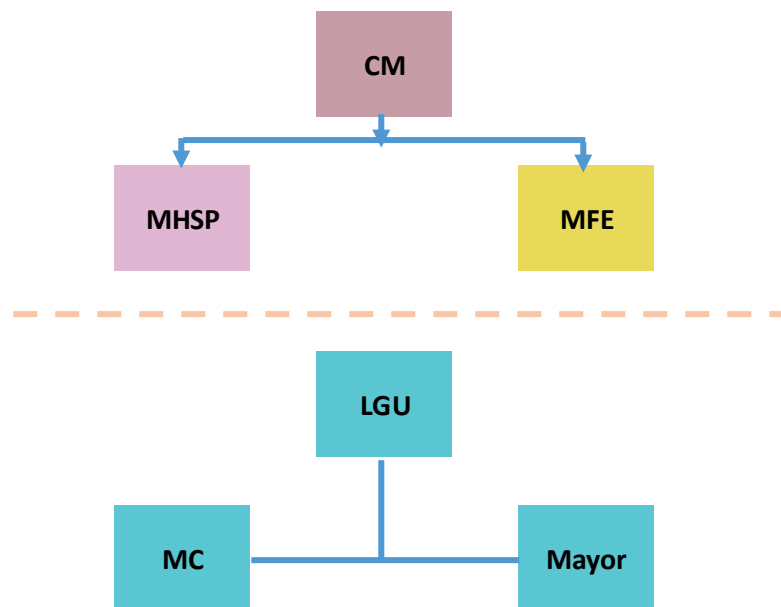


Chart16: Organization chart for the function:
Social housing construction and administration of buildings (Article. 24/2)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Social housing construction and administration of buildings	Responsible Institution
Planning	
Drafts the 10-year national housing strategy	MHSP
Adopts the 10-year national housing strategy	CM
Updates the action plan of the 10-year national housing strategy, based on 5-year LGU housing programs	MHSP
Plans the state budget funds to support the implementation of annual housing programs, based also on the requirements of the LGU	MHSP
Designs and approves 5-year housing programs	
Compiles the action plan and the corresponding draft budget for the implementation of long-term housing programs	LGU
Organization	
Implements the housing program policies	LGU
Implements housing programs in cases where the housing program is fully or partially funded from state budget funds and the LGU does not fulfil the obligations as agreed in the Special Agreement	
Is informed about the administration of housing requirements by LGUs	
Creates a database at national level	
Determines annually, the distribution of funds allocated by the state budget and other funding sources	
Leads and follows the support of the LGU for technical assistance, as well as for research and studies in the field of design and construction for social housing programs	
Identifies housing needs and approves the list of beneficiaries	
Identifies the construction areas and prepares their list for the implementation of housing programs	
Identifies the apartments at risk of collapse and prepares their list	LGU
Predicts the land surface for building a sufficient number of social housing, based on housing needs.	
Regulates the use of land under its jurisdiction in order to develop the area	LGU/ MHSP
Submits to MHSP the request for financing, investments and subsidies	
Creates a database at local level for the applications for social housing programs, according to the instruction of the minister responsible for housing	
Drafts, approves and publishes the evaluation system	
Administer requests and identify interventions to improve the conditions of existing facilities/dwellings	LGU
Creates and administers, at local level, the database for families receiving housing from the housing program	
Determines the maximum allowable costs for housing construction under housing program	

Provides construction, administration and maintenance of rented social housing	LGU
Organizes information and awareness raising campaigns for citizens on the opportunities offered by social housing programs	
Takes measures for the publicity and transparency of the organization of procedures related to the implementation of social housing programs	
Reports annually to the Minister responsible for housing for the progress of housing programs	Municipal Council
Approves the rent rate according to the calculation method	
Performs rent subsidies	LGU
Administers and maintains specialized dwellings	
Builds, installs and establishes temporary shelters	

REGULATION OF FUNCTION

Object	Responsible Institution
Housing rates	CM
Documentation required to receive housing, according to each program, deadlines and procedures	
Rules for administering the LGU requests for funds from the state budget on subsidizing rent, the way of subsidy financing, monitoring and cooperation between LGU and MHSP	
Criteria for granting rent subsidy for defined categories through the state budget, and the method of calculating the subsidy	
Conditions, norms and standards which must be meet for social housing to be rented	
Low cost housing norms and standards, procurement procedures, evaluation and sales procedures and criteria for determining the price for the families receiving social housing	
Low cost housing exchange procedures	
The criteria for beneficiaries from the area development program for social housing purposes, the manner of ensuring a house for the beneficiary during the construction period, the form of ownership transfer for social housing quotas by constructors or landowners, in order to accommodate the beneficiaries who have been resettled.	
The selection procedure, the method of contracting, the general terms and conditions of the contract for the construction of housing in developed areas with the purpose of housing, which will be executed under the agreement on the construction of housing, carried out by private entities, through public-private partnership	
Public institutions that administer the shelters, sufficient criteria, procedures and capacities to manage social, financial and technical issues	
Resettlement and institutional co-operation procedures	
Determines housing conditions for persons with disabilities	
Cases and methods of cooperation between the central government and the LGU for creating or increasing the public fund of social housing	

Method for calculating the rent

Procedures, criteria and priority for immediate grant

The terms and conditions for the design of specialized housing

CM

Procedures for the transfer in responsibility of the MHSP in cases when the housing program is fully or partially funded by state budget funds and the LGU does not fulfil the obligations as agreed in the special agreement

The way of administration and maintenance of specialized housing

MHSP and MFE

Determines the average annual cost of building social housing

KM

Establish conditions to be met by temporary shelter

MFE

Method of application and criteria for obtaining funds from the state budget

Regulation on the use of rented social housing by the lessees, specifying, in detail, the rights and obligations of the lessee and of the managing entity

The way of administration and maintenance of the public fund of rented social housing

Municipal Council

Regulation on how the management entity functions, as well as for the control and oversight of the latter

Adopts the regulation for the use of rented social housing, specifying in detail the rights and obligations of the lessee and the managing entity

MONITORING AND EVALUATION

86

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Implementation of investments in social housing programs with funding or co-financing from the state budget	LGU	MHSP	Not applicable
Use of social housing for rent	Managing Entity	LGU	Not defined

Findings

Legal gaps

Law No.22 / 2018 “On social housing” is not yet accompanied by sublegal acts for its implementation, as well as acts of the previous law have not been left in force in the transitional provisions, leaving this function currently unenforceable in some components.

The CM should approve the following DCM’s:

Recommendation [53]: It is recommended to draft and approve the DCM to determine social housing norms and standards.

Recommendation [54]: It is recommended to draft and approve the DCM for determining the documentation to receive social housing, according to programs, deadlines and procedures;

Recommendation [55]: It is recommended to draft and approve the DCM for the adoption of rules on administration of LGUs’ requests for state budget funds on subsidizing the rent or usufruct, manners of financing the state subsidy, monitoring and cooperation between LGUs and central bodies.

Recommendation [56]: It is recommended to draft and approve the DCM to determine the criteria for granting lease subsidy through the state budget for specific categories, and the

method for calculating the subsidy.

Recommendation [57]: It is recommended to draft and approve the DCM to determine the requirements, norms and standards that must be met by social housing for renting purposes.

Recommendation [58]: It is recommended to draft and approve the DCM to determine the method of calculation of the rent payment amount.

Recommendation [59]: It is recommended to draft and approve the DCM for determining the low-cost housing rates and standards, procedures for buying housing in the free market, evaluation and sales procedures, and the criteria for determining the sale price of land to families that benefit low-cost housing.

Recommendation [60]: It is recommended to draft and approve the DCM for the approval of exchange procedures for low-cost housing.

Recommendation [61]: It is recommended to draft and approve the DCM to determine the criteria for definition of beneficiaries from the program of land plot development for housing purposes, the manner of securing housing to the beneficiaries during the construction period, the form of ownership transfer for flat-rate of exchange quotas for social housing by builders or owners, with the purpose to provide housing to beneficiaries who have been displaced from them.

Recommendation [62]: It is recommended to draft and approve the DCM for the approval of selection procedures, the method of contracting, the general terms and conditions of the contract for the construction of housing in land plots developed for social housing purpose, which will be implemented in accordance with the construction agreement for social housing, carried out by private entities, through public-private partnerships.

Recommendation [63]: It is recommended to draft and approve the DCM to determine the criteria, procedures and sufficient capacities to manage social, financial and technical issues from the public institutions that administer social housing.

Recommendation [64]: It is recommended to draft and approve the DCM for the approval of resettlement and inter-institutional co-operation procedures.

Recommendation [65]: It is recommended to draft and approve the DCM to determine the housing conditions for persons with disabilities.

Recommendation [66]: It is recommended to draft and approve the DCM to determine the cases and the way of cooperation between the central government and the LGUs for the establishment or increase of public fund for social housing.

Recommendation [67]: It is recommended to draft and approve the DCM for approval of procedures, criteria and priorities for immediate grant of social housing.

Recommendation [68]: It is recommended to draft and approve the DCM to determine the requirements and norms for the design of specialized housing.

Recommendation [69]: It is recommended to draft and approve the DCM for approval of procedures for the shift to the responsibility of MHSP in cases where the housing program is fully or partially financed by the state budget funds and the LGU fails to meet the agreed obligation.

In pursuance to this Law, the MHSP, MFE and CM approves the following acts:

- Manner of administration and maintenance of specialized housing (MHSP and MFE);
- Definition of average annual cost for building social housing (KM);
- Requirements to be met by temporary shelters (MFE);

- The application and criteria for obtaining funds from the state budget(MFE);

Recommendation [70]: It is recommended to draft and approve the guidance on administration and maintenance of specialized housing.

Recommendation [71]: It is recommended to draft and approve the guidelines for determining the annual average cost of social housing construction.

Recommendation [72]: It is recommended to draft and approve the guidance on requirements to be met by temporary shelters.

Recommendation [73]: It is recommended to draft and approve the guidance on to the application procedure and the criteria for obtaining funds from the state budget.

5.3 SECTOR OF CULTURE, SPORTS AND ENTERTAINMENT SERVICES

5.3.1 DEVELOPMENT, PROTECTION AND PROMOTION OF CULTURAL HERITAGE VALUES OF LOCAL INTEREST, ... (ARTICLE 25/1), ... (ARTICLE 25/2), ... (ARTICLE 25/3)

Box 11

Strategic Directions and MTR findings for the function of development, protection and promotion of values and cultural heritage of local interest, as well as the administration of facilities related to the exercise of these functions

Strategic Directions

- Legal mechanisms for the protection of cultural heritage will be clarified.
- Enhancement of LGUs to establish the integrated development system of the areas and cultural heritage objects.
- Increase funds allocated to local government for promoting and ensuring conditions that allow tourism and culture heritage, overall culture and sports activities to be developed and take place at local levels.

Midterm situation of the function

- In the sector of Culture, the legal framework for clarifying the functions has been revised; but there is still no progress regarding the establishment of an integrated development system for cultural heritage areas and facilities at local level.
- The transfer of several children's centres has been completed in some of the municipalities, under the competence of the Ministry of Culture.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

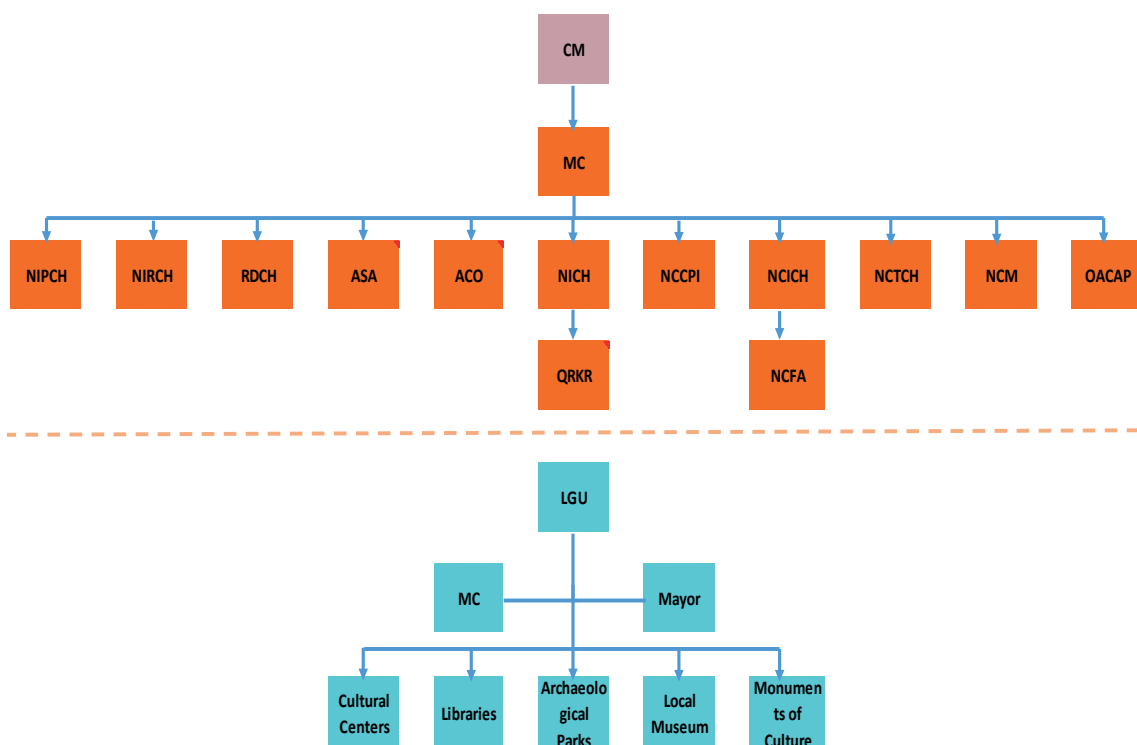


Figure 17: Organization chart for the function: Development, protection and promotion of cultural heritage of local interest, (Article. 25/1_2_3)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Development, protection and promotion of cultural heritage values of local interest, and the administration of facilities related to the exercise of these functions	Responsible Institution
Planning	
Drafts public policies in the field of cultural heritage	MC
Drafts national strategy on culture	CM
Drafts management plans in the field of preventive archaeology and rescue archaeology as well as the study of archaeological heritage	NICH/LGU
Adopts the strategy and development programs in the field of intangible cultural heritage	NCICH
Approves the development program in the field of cultural heritage	NCCPI
Approves and evaluates in principle comprehensive and detailed local plans, in cases of inclusion of protected cultural heritage areas in these plans	NCTCH
Approves comprehensive and detailed local plans, in cases of inclusion of protected areas of cultural heritage in these plans	MC

Drafts development plans, detailed projects, in accordance with nature, size and needs of archaeological parks	OACAP
Determines the policy on criteria related to the territorial planning activity as well as the management of the resulting interventions in order to guarantee the preservation, recovery and evaluation of the features and characteristics of the cultural landscape	LGU
Take measures to adjust existing planning documents	LGU
Draft cultural s real estate management plans	LGU
Define programs related to studies, research and scientific initiatives in the field of methodology, inventory and cataloguing	MC/ LGU
Organization	
Safeguards, protects, evaluates and administers cultural heritage assets under their administration	LGU
Creates conditions for guaranteeing equal access of the public to cultural values	LGU
Monitors the richness of the cultural landscape	LGU
Grants permission, for the purpose of revitalization, for administrative and socio-cultural functions, immovable property with the condition that the revitalization project does not impair the value of cultural property	MC
Safeguards, protects and intervenes as a substitute, in cases of continuous omission or in cases of non-completion within legal deadlines of various interventions on cultural property by the LGU	MC
Approves the relevance of funding initiatives with protection requirements	MC
Proposes the establishment, organization and closure of local museums	Mayer
Establishes, organizes and closes down the local museums	Municipal Council
Approves the establishment, organization and closure of local museums	NCM
Approves maintenance, preservation and restoration projects for the tangible cultural assets, drafted by cultural heritage institutions covering the respective area of responsibility	NCTCH
Approves permits for conservation and protection interventions of immovable cultural properties	NCTCH/ LGU
Approves statutes and organizational structure of local museums	Municipal Council
Issues licenses for reproduction of cultural values	MC
Approves the tariffs on the use of cultural properties, the purpose of use and their destination	NCCPI
Creates, maintains and updates the National Register of Cultural Assets/ Property, in electronic and written form	IKRTK
Applies protective measures on immovable cultural properties throughout the national territory	NIPCH
Applies conservation measures of cultural values to movable and immovable property, museum funds, archive funds, library funds and any other fund	NIPCH
Implements conservation, protection and quality measures of restoration works of movable and immovable cultural properties	NIPCH
Implements the provisions of contracts signed by various state authorities, pursuant to this law, of administration agreements, revitalization, use and any other form of agreement with public and private institutions of the ministry responsible for cultural heritage	NIPCH

Implements the preservation measures of bibliographic and literary cultural values held in libraries and archives, manuscripts, archive articles and old printed books	NIPCH
Implements the procedures of national and internationally certified movement of movable cultural assets	NIPCH
Traces, investigates, studies, projects, conserves, restores, supervises, encapsulates, promotes, publishes cultural heritage materials	NICH
Performs activity in the field of preventive and rescue archaeology and study of archaeological heritage	NICH
Drafts, updates and publishes the digital platform for archaeological activity	NICH
Traces and prepares preliminary and comprehensive assessments for declaring the cultural interest and granting the status of protection	RDCH
Performs verifications and takes measures, in accordance with the provisions of this law, in case of emergency situations when the state of cultural assets/property is threatened	RDCH
Designs and carries out conservation and restoration work on projects in the field of cultural heritage and coordinates the work for their implementation at regional and local level	RDCH
Administer, study, search, record, preserve, protect, popularize and promote intangible cultural assets and cultural diversity at national level	NCFA
Preserves, Protects, promotes and manages intangible cultural heritage	NCFA
Verifies and studies the values of intangible cultural heritage	NCFA
Creates and updates the National Register of Folk Bearers, the Register of Intangible Heritage Values, the Artisans List, who inherit various dialects, the Register of Intellectual Property Masterpieces and the List of Intangible Cultural Heritage at Risk	NCFA
Drafts development plans, projects, detailed in accordance with nature, size and needs of archaeological parks	OACAP
Administers, coordinate development plans, projects, detailed in accordance with the nature, extent and needs of archaeological parks	OACAP
Performs maintenance works and may perform restoration and conservation works in function of conservation and protection measures for cultural assets under administration	OACAP
Informs LGU about different character development	OACAP
Organizing cultural activities and promoting national and local identity, as well as administering facilities related to the exercise of these functions	Responsible Institution
Planning	
Approves appropriate legal, technical, administrative and financial measures with the aim at supporting the LGU's proposals to promote festivals, competitions, programs, projects and activities of national and local character in the field of intangible cultural heritage	MC
Approves the annual plan of national activities	NCFA
Organizes national folk festivals	NCFA/ LGU
Proposes awards local honorary titles	LGU

Organize the award ceremony, honorary titles, medals and honorary titles	LGU
Establishes local public art and culture institutions	Municipal Council
Approves the statute of the local public institution of art and culture	Municipal Council
Approves the composition of the artistic board of the local public institution	Municipal Council
Appoints the head of the local public artistic and cultural institution	Municipal Council
Plans activities	LGU
Organization	
Organizes activities	LGU
Development, protection and promotion of libraries and reading facilities for the purpose of general education of citizens	Responsible Institution
Planning	
Drafts public policies in the field of cultural heritage	MC
Drafts national strategy on culture	CM
Define the financial policy of the libraries of their respective system	LGU
Plans and defines in the respective annual budgets a separate item for the purchase of books for public libraries	MC
Organization	
Provides library service to the population in the territorial divisions under their jurisdiction	LGU
Provides library environments according to readership standards and quantity of collections, as well as tools and equipment for normal development of library activity	LGU
Drafts catalogues and provides information on library materials of historical, cultural, scientific, etc., for the territory where they develop the activity	LGU
Organizes special services for the community members who, for various reasons, are unable to use the usual services	LGU
Appoints public library managers	LGU
Defines library service fees	CM

REGULATION OF FUNCTION		
Object	Responsible Institution	
Development, protection and promotion of cultural heritage values of local interest, and the administration of facilities related to the exercise of these functions		
The remuneration of members of advisory committees for the assessment and identification of cultural values in movable, immovable and intangible assets/property	CM	
Designing, implementing conservation and safeguarding works, supervising and inspecting them		
Methods of treatment, technical norms, criteria and interventions patterns in the field of preservation of cultural assets		
Selection procedures for public funding investments		
Determination of protection areas, distances, measures and other norms that safeguard the integrity of the grouped immovable cultural property, perspective or light or environmental conditions and landscape		
Procedures and competition criteria for the alienation of non-public cultural state owned property		
Special licensing requirements, accompanying documents, procedures for reviewing or revoking a license, application fees and annual quota for the exercise of commercial activity of cultural assets		
Procedures for establishing and administering stolen cultural assets database		
Establishment and functioning of the GIS database system for archaeological activity in the Republic of Albania		
The competition procedures and criteria, type of contract and duration and the setting fees methodology for the use of cultural assets		
Determining the general and special terms of the revision of contracts for the revitalization		
Terms and conditions for categorization of immovable cultural values		MC
Ways of inventorying, registering and cataloguing cultural assets		
Functioning of the “digital system for the database of cultural property”		
Procedure for conducting technical control of immovable cultural properties		
The procedure of movable cultural assets technical control		
The manner and form of holding information from public or private entities for cultural assets owned or administered		
Ways of compulsory storage interventions		
Requirements, criteria, procedures and means for granting approval for the display of cultural property and the necessary measures to safeguard and guarantee their integrity as well as the procedures, methods and conditions for issuing a risk acceptance statement		
Requirements and criteria for exercising commercial activities in public areas with archaeological, historical, artistic, cultural and landscape value and selection procedure of subjects		
Administration of the Preservation Fund of intangible cultural values, measure and criteria of artistic award for activities in the field of intangible values		
Measures for the recognition, observance, dissemination and evaluation of intangible cultural heritage		
Rules for making direct use of cultural assets		

Detailed rules for the reproduction and indirect use of cultural assets	MC
Provisions regarding the protection zone, distances, measures and other norms that safeguard the integrity of the immovable cultural property, particular, prospect or light or environmental conditions and landscape	
Rules regarding the enrichment of museum collections originating in the territory of the Republic of Albania and abroad	
Procedure and method of re-evaluation of museum facilities	
Determining the format and method of keeping museum documentation, as well as service fees for the public	
Determination of the necessary acts, requirements, terms, guaranties and fees for the provision of temporary custody / storage of museum objects	
The method of keeping the registry of copies of museum objects, as well as the form of attestation for an authorized copy of a museum object	
Determining the conditions and fees for reproduction of museum objects	
Monitoring and evaluation rules on subjects with cultural property under their administration	
Issues acts that regulate the use of assets under administration	LGU
Standards and criteria for tracing, identification, preservation, protection, conservation and restoration of material cultural heritage	NICH
Format and ticket price for local museums	MC
Organizing cultural activities and promoting national and local identity, as well as administering facilities related to the exercise of these functions	
Rules on fund management to support the promotion of festivals, competitions, programs, projects and activities of local character in the field of intangible cultural heritage as proposed by NJQV	MC
Measures and rules for awarding a prize accompanying honorary titles	CM
Criteria for appointing the head of the local public artistic and cultural institution	MC
Development, protection and promotion of libraries and reading facilities for the purpose of general education of citizens	
Standards for the creation and dissemination of local public libraries, as well as the number of their employees	MC

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Immovable cultural properties	-	-	-
Movable cultural assets	-	-	-
Activities in the field of cultural material assets and landscaping assets	LGU/ Private entities	MK/ organs in dependency/ LGU	NIPCH NIRCH/ NICH/
The activity of local museums	-	-	-
Landscape assets	-	-	-
System			
Monitoring of real estate cultural management plans		CM	
Monitoring and evaluation rules for subjects with cultural property under administration		MC	

Findings

Legal gaps

Law no. 27/2018 “On cultural heritage and museums” is the basic sectorial law that regulates the functions and defines competencies of LGUs in the field of culture. This law is not yet complemented with the respective sub-legal acts for its implementation. As per the report, in the section where the above-mentioned function adjustments are mentioned, no sub-legal act under the responsibility of MC and MC is not yet approved leading this way to a series of problems with the obligations fulfilment by LGUs. Similarly, the LGU’s obligations to monitor and evaluate the function within this law are lacking since the monitoring systems envisaged in it have not yet been adopted.

Recommendation [74]: It is recommended to draft and complete the entire legal basis with the sublegal acts pursuant to Law no. 27/2018 “On cultural heritage and museums”.

5.3.2 ORGANIZATION OF SPORT AND RECREATIONAL ACTIVITIES, DEVELOPMENT AND ADMINISTRATION OF INSTITUTIONS AND FACILITIES RELATED TO THE EXERCISE OF THESE FUNCTIONS (ARTICLE 25/4)

Box 12

Strategic Directions and MTR findings for the function of organization of sport and recreational activities, development and administration of institutions and facilities related to the exercise of these functions

- *The cooperation with the Ministry of Education and Sports will seek to increase sports activities and provide additional sports premises to the benefit of local communities.*

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

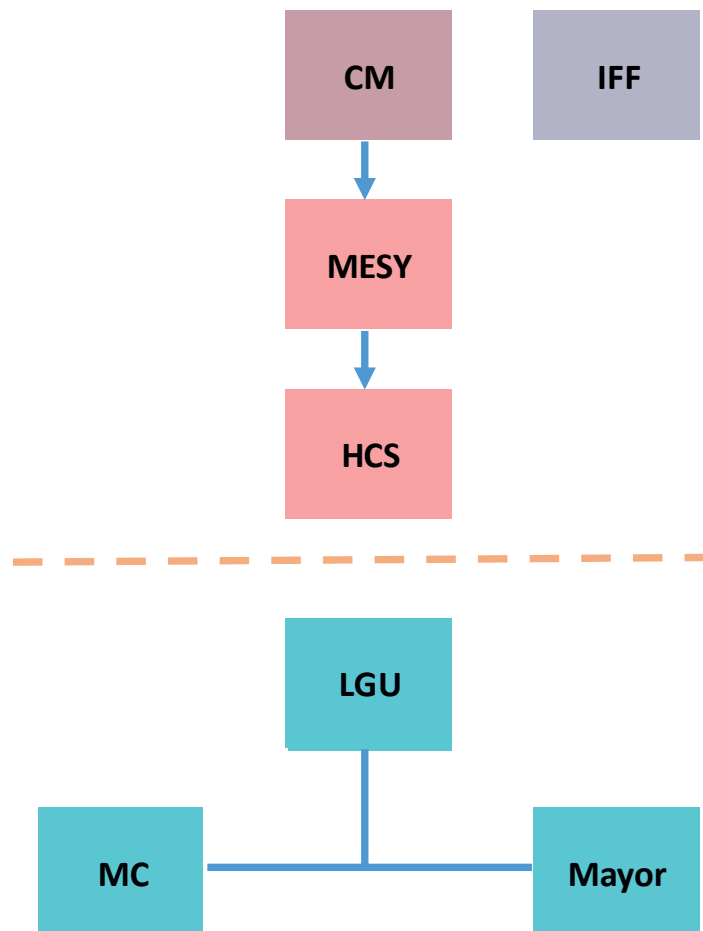


Chart18: Organization chart for the function: Organization of sport and recreational activities, development and administration of institutions and facilities related to the exercise of these functions (Article 25/4)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION			
Organization of sport and recreational activities, development and administration of institutions and facilities related to the exercise of these functions			Responsible Institution
Planning			
Drafts and implements public policy in the field of sport			MESY
Participates in drafting and development policies on sports			IFF
Drafts and guarantees the implementation of policies on sport in educational system, sports for anyone and elite sports at local level,			LGU
Organization			
Establishes institutions responsible for sport			LGU
Manages the sports facilities under its ownership, and builds new facilities as needed			
Supports the development and operation of sports organizations that carries out activities in their territories			
Maintains and reconstructs sports facilities			
REGULATION OF FUNCTION			
Object			Responsible Institution
Standards and technical requirements for the construction of sports facilities			IFF
Exclusion procedures and lists of materials and sports equipment			CM
MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Institution Imposing Penalties
Standards and technical requirements for the construction of sports facilities	Natural or legal persons (Administrators and users of sports facilities)	IFF	Not available

5.4 ENVIRONMENTAL PROTECTION SECTOR

5.4.1. GUARANTEE THE PROTECTION OF AIR, SOIL AND WATER FROM POLLUTION, AT LOCAL LEVEL. (ARTICLE 26/1), ... (ARTICLE 26/2), ... (ARTICLE 26/3)

Box 13

Strategic Directions and MTR findings for the function of Environmental protection

Strategic Directions for the area of environment protection

- *Municipalities and regions will have their determined role in the area of environmental protection.*
- *The competences of municipalities and regions on planning and monitoring of environmental protection will be enhanced upon legal amendments and support for capacity building.*
- *Establish adequate and functional structures in the LGUs for environmental protection.*
- *Budget resources for implementation of functions in the area of air pollution and other areas will be increased, in order to support the capacities of the LGUs in implementing their functions.*

Midterm situation of the function

- *In environmental protection, division of authorities between the central and local levels of government remains unclear. Law 139/2015 enshrines protection from air, water and acoustic pollutions as municipal functions. Nevertheless, they are managed fully as central functions under the authority of the Central Inspectorate.*
- *Municipalities have no regulatory powers (i.e. permits, licenses), and the responsibility to develop environmental action plans appears to be regarded simply as a formality. Municipal administrative powers are extremely limited (i.e. minimum sanctions based on municipal police framework for infringements; with virtually no impact).*

98

Definitions

"Pollution" refers to direct or indirect introduction of substances, vibrations, radiation, unpleasant odours, heat or noise in the air, water or soil as a result of human activity, to the extent that it may be harmful to the quality of the environment or human health, which can lead to material property damage or deteriorate and interfere with other legitimate environmental services and uses.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

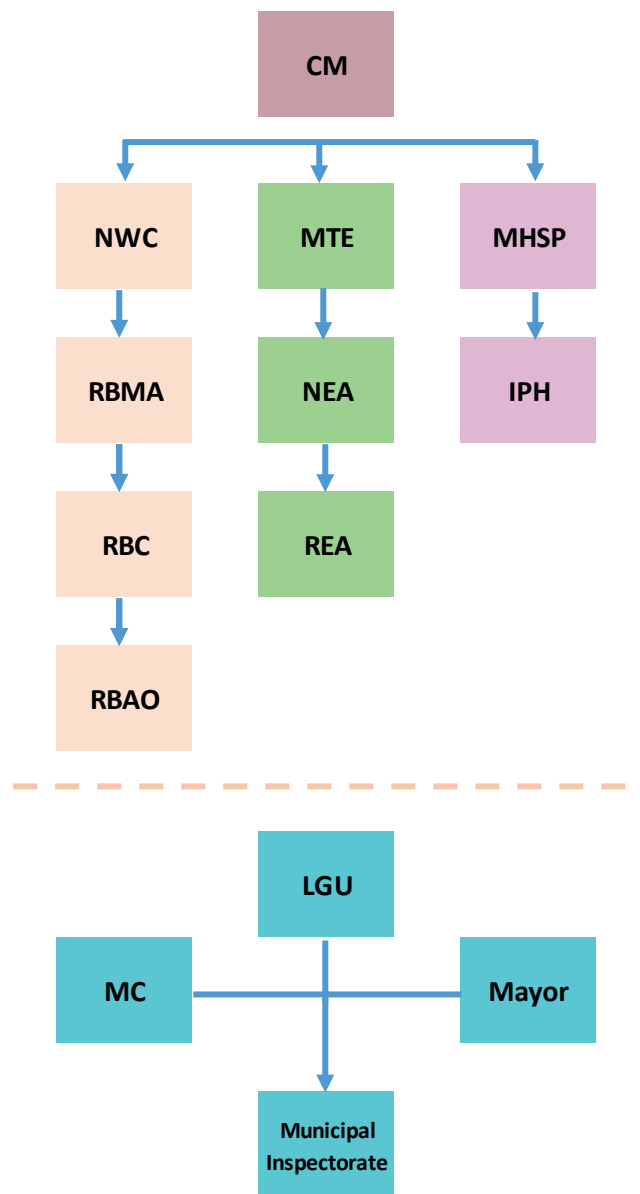


Chart 19: Organization chart for the function: Guarantee, at local level, the protection of air, soil and water from pollution. (Article 26/1), measures for protection against acoustic/noise pollution (Article 26/2), development of educational and promotional activities at local level related to environmental protection (Article 26/3)

Implementation

The administration and regulation of this function is mapped as follows by defining and describing the role of the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
The Protection of air quality	Responsible Institution
Planning	
Drafts national environmental strategies and plans for each of the environmental components	MTE

Adopts national environmental strategies and plans for each of the environmental components	CM
Approves the metering system: methods, equipment, networks and laboratories	MTE
Drafts national plan for air quality	CM
Drafts the national emission reduction program	MTE
Drafts ambient air quality plan based on the conclusions drawn from NEA/REA monitoring	
Approves the agglomeration/ area plan for air quality	LGU
Drafts the short-term action plan for the agglomeration/area based on the conclusions drawn from NEA/REA monitoring	
Organization	
Assess the ambient air quality	NEA
Analyses the evaluation methods and ensures the accuracy of the measurements	NEA
Drafts and approves the annual report on the assessment of ambient air quality	NEA
Implements the agglomeration / area plan for air quality	LGU
Implements the short-term action plan for the agglomeration / area	LGU
Takes measures to maintain and improve the air quality	MTE/ LGU

Prevention and control of soil pollution	Responsible Institution
Planning	
Drafts national environmental strategies and plans for each of the environmental components	MTE
Adopts national environmental strategies and plans for each of the environmental components	CM
Organization	
Take measures to prevent soil pollution and to control or reduce soil pollution within the sectorial legislation for the protection of agricultural land and the law on territorial planning and development	LGU

Protecting water from pollution	Responsible Institution
Planning	
Prepares national environmental strategies and plans for each of the environmental components	MTE
Adopts national environmental strategies and plans for each of the environmental components	CM
Prepare programs for preventing and avoiding contamination of water resources under their jurisdiction from liquid discharges	RBA/REA
Drafts relevant bylaws for the declaration of areas at risk from pollution of harmful elements or substances such as nitrates, phosphates, plant protection products, biocides	MTE
Adopts the relevant sub-legal acts for the declaration of areas at risk from pollution of harmful elements or substances such as nitrates, phosphates, plant protection products, biocides	NWC

Issues regulations specifying the programs, measures and other obligations, with a view to reducing and preventing water pollution from harmful substances, as well as those that are caused or derived from other agricultural activities	MTE
Organization	
Identifies the water bodies/structures, according to the relevant procedure and in the prescribed timeframes	NWC
Provides protection of water resources from pollution, abuses and damages affecting their quality and quantity	RBC
Determination of the best possible techniques, technologies and methods for the environmental treatment of wastewater, in accordance with their nature	LGU/MTE
Drafts environmental integrated management plan for used water, as part of the respective river basin management plans	
Improves the responsible institutional network	
Continuous control of water-pollution activities as well as the subjects involved in their treatment and purification	

Protection from noise pollution	Responsible Institution
Planning	
Prepares national environmental strategies and plans for each of the environmental components	MTE
Adopts national environmental strategies and plans for each of the environmental components	CM
Drafts the national action plan for noise pollution management	MTE
Approves the national action plan for noise pollution management	LGU
Drafts and implements local action plans for noise pollution	
Organization	
Grants permission for the development of entertainment activities, gatherings, events, fora limited timeframe, in external or closed premises, which can become a source of disturbance for residents	LGU
Leads the noise pollution mapping process	
Announces quiet areas and imposes additional limitations on noise pollution	
Verifies the implementation of standards for noise pollution reduction in buildings design, with the exception of private dwelling house	
Requires control bodies to exercise controls, measure and suspend or close an activity	
Takes the decision of control: it sets out the measures and duties for the regulation of the situation, sanctions the administrative violations and sets the closure, stopping or the complete or partial termination of the activity	
Issues environmental permit for natural and legal persons whose activities emit noise pollution in the environment	NEA

Development of educational and promotional activities at local level, which are related to environmental protection	Responsible Institution
Plans activities	LGU
Organizes activities	

REGULATION OF FUNCTION

Object	Responsible Institution	
Establish measures for reducing air discharge from stationary sources	CM	
Establish measures against air pollution and discharge of pollutants from mobile sources		
Establish measures for the limitation of volatile organic compounds, their discharge, and the control of emissions into the air from volatile organic compounds		
Establish rates for pollutants or special groups of air pollutants, as well as deadlines for their achievement		
Establish environmental quality standards for pollutants or special groups of soil pollutants, as well as deadlines for their achievement		
Limit values, threshold values and target values for some air pollutants		
Establish methods and criteria for measuring and assessing ambient air quality		
Quality of fuels		
Establish the limit values for pollutants for stationary sources		
Establish standards for pollutants or separate groups of soil pollutants, as well as deadlines for their achievement		
Establish technical discharge standards for water		
Establish standards for pollutants or special groups of water pollutants, as well as deadlines for their achievement		
Establish requirements and rules for noise pollution reduction		MTE
Establish technical rules and protection measures		
Establish requirements and rules for noise verification of buildings		
Establish indicators, methods of assessment, rules and technical and methodological requirements for the noise pollution level assessment		
Drafts methodical guidelines for noise mapping at national and local level and strategic noise pollution maps		

102

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Control of the quality of monitoring, measurement, application of the methods, equipment used and the authenticity of results deriving from monitoring	NEA	NEA	There isn't any

Control of the implementation of law 9774, 12.07.2007 and other bylaws		Inspectorate covering the environmental protection / Inspectorate covering the health/ Inspectorate covering the field of labour/ Structure responsible for the control of vehicles / LGU	
Adherence to liquid discharge rates			
Control of the program of technical, technological and organizational measures of wastewater treatment	Natural or legal persons		Inspectorate responsible for the environment
Control for the implementation of rules and requirements for the environmental treatment of polluted waters and the conditions set forth in the environmental permit		Inspectorate covering the environmental protection	
Monitoring of the activities that discharge wastewaters and the activity of treatment of urban, industrial liquid discharges etc.		LGU	
Control of technical rules and noise pollution protection measures			LGU
System			
National environmental monitoring program		NEA	

Findings

Legal gaps

DCM no. 633, dated 26.10.2018 "On measures against air pollution from discharges of motor vehicles and reduction of air emissions of gaseous pollutants and suspended solids from positive-ignition engines and combustion engines combusting natural gas or liquefied for use in vehicles ", provides for the LGUs as one of the responsible authorities for the implementation of this DCM. In the provisions of the Road Code of the Republic of Albania, the technical control of vehicles, as the main activity for the implementation of this DCM, is defined as the responsibility of the technical control centres licensed by the MEI, and in case of suspected contamination of motor vehicles special trailers, road police services (excluding municipal police Article 12 of the Road Code) may order at any time their detention, by making a note in the vehicle's booklet, for an out-of-date technical check. Under the circumstances of lack of control over assets, the activities defined in DCM no.633 cannot be implemented by LGUs.

Recommendation [75]: It is recommended to amend point 12 of the DCM no. 633 by abrogating the responsibility of LGUs for the implementation of this DCM.

Legal gaps

Article 12 of Law 162/2014 "On the Protection of the Ambient Air Quality" defines the CM as the responsible authority for the adoption of measures to reduce air discharge from stationary sources. This DCM has not been yet approved.

Recommendation [76]: It is recommended the drafting and approval of the required DCM

pursuant to Article 12 of Law 162/2014 “On the Protection of Ambient Air Quality”.

For the provision of measures to ensure protection of air, soil and water from pollution, the LGUs are not given the power to measure, control and monitor relevant indicators, therefore, measures taken by LGUs are limited to measures that are currently engaged in the administration of other functions according to Law 139/2015, namely:

- On air quality, in the function, of public transport and parks, gardens and public green spaces at local level (articles 23/6 and 9);
- On the quality of drinking water, in the function of, drinking water production, treatment, transmission and supply (Article 23/1);
- On wastewaters, in the wastewater collection, disposal and treatment (Article 23/2);
- For irrigation and drainage waters in the function of irrigation and drainage infrastructure management (Article 27/1);
- To protect the soil quality, in the function of administering and protecting agricultural lands and other categories of resources, as well as for the protection of nature and biodiversity (Article 27).
- Within the exercise of its functions, the LGU provides environmental protection measures, particularly for the quality of land, as part of the planning, infrastructure development and public service function (Article 23).

Regarding the activities of natural or legal persons carrying out activities on its territory, the LGU has no authority (except protection against noise pollution) by taking administrative measures against offenders for causing environmental pollution.

104

Recommendation [77]: It is recommended to extend the competences of LGUs in relation to the provision of environmental protection measures by adding powers to carry out measurement, control and monitoring as well as the establishment of imposing sanctions directly against natural or legal persons violating the law provisions.

It is recommended that these changes be reflected in the sectorial legislation on environmental protection as well as in sectorial legislation that regulates other functions of the LGUs; a good example to consider refers to the construction inspectorates that is transferred at LGUs level.

5.5 AGRICULTURE, RURAL DEVELOPMENT, PUBLIC FORESTS AND PASTURES, NATURE AND BIODIVERSITY SECTOR

5.5.1 ADMINISTRATION, USE AND MAINTENANCE OF IRRIGATION AND DRAINAGE INFRASTRUCTURE, TRANSFERRED IN OWNERSHIP, AS DEFINED BY THE LAW (ARTICLE 27/1)

• Box 14 •

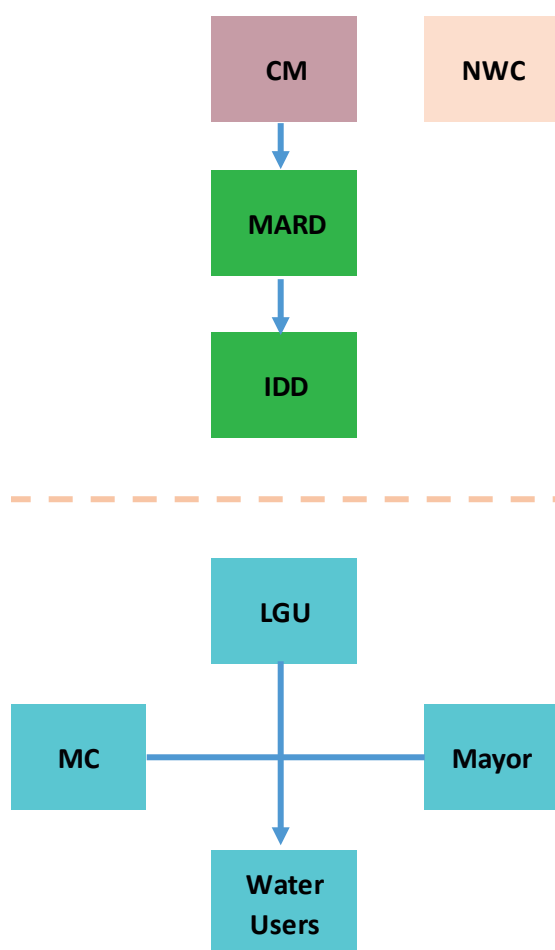
Strategic Directions and MTR findings for the function of irrigation and drainage infrastructure administration, usage and maintenance transferred in their ownership

- *Decentralization of the construction and maintenance of secondary and tertiary irrigation and drainage network*
- *Amendments to the Organic Law and sublegal acts will also include this function.*
- *Management plans drafting on irrigation and drainage systems for each municipality, with the assistance of central authorities and donors.*

Midterm situation of the function

- *Legislation revision for the decentralization of the secondary and tertiary irrigation and drainage system maintenance function.*
- *The new law assigns to the municipalities a key role in the management of the irrigation and drainage sector through: (i) the transfer of ownership right on irrigation and drainage infrastructure and the transfer of responsibilities for the operation and maintenance of the transferred infrastructure; (ii) setting the irrigation / drainage service tariffs and collecting them, aiming for a gradual cost coverage; (iii) mobilization of other financial resources by themselves or the provision of grants from the state budget based on needs and performance achieved.*
- *The organization of the irrigation service by the municipality will be tailored to the size of the irrigation scheme, its status, tradition, the level of farmers' cooperation, etc.*
- *Simultaneously with drafting the legal framework, work has continued on drafting local plans for management and investments in the secondary and tertiary irrigation and drainage system.*
- *In the field of agriculture, legislation has been proposed for the re-centralization of additional services in agriculture (veterinary control).*

The central and local government institutions for this function appear in the following organization chart:



106

Chart 20: Organization chart for the function: Irrigation and drainage infrastructure administration, use and maintenance ... (Article 27/1)

Implementation

The following presents the administration and regulation of this function by defining the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Irrigation and drainage infrastructure administration, use and maintenance	Responsible Institution
Planning	
Approves the National Plan composed of the agriculture strategy and the rural development strategy	CM
Approves the transfer of infrastructure of irrigation, drainage and flood protection works	CM
Defines the national policy of irrigation and drainage	MARD

Takes appropriate measures for the establishment and management of irrigation and drainage systems, and protection of lands from flooding	MARD
Advise and guide the irrigation and drainage directorates, LGU and water organizations on legal, technical and financial issues	MARD
Organization	
Administration	Responsible Institutions
Adopts change of infrastructure destination	
Determines, in the event of a loss of function for infrastructure agriculture for irrigation and drainage purposes:	
a) decommission of irrigation and drainage infrastructure ; b) use of assets of agriculture infrastructure for other purposes; c) privatization of the assets, together with the relevant land area, according to the legislation in force.	CM
Grant permission to use water resources for irrigation	NWC
Maintenance	Responsible Institutions
Takes necessary action in case of prolonged drought and flood	MARD
Requires from the IDD, LGU organization data and documentation for the maintenance of the infrastructure that has been transferred	MARD
Requires from LGU and water use organizations, where necessary, to undertake specific works:	
a) to ensure the maintenance of the infrastructure; b) to prevent damage to this infrastructure; c) to prevent damage to state property or property of third parties for public interest.	MARD
Maintains irrigation and drainage infrastructure under its ownership	
Takes the necessary measures to maintain irrigation, drainage and flood protection infrastructure, in order to prevent unauthorized interference, including neighbouring land surfaces	
Rehabilitates and reconstructs irrigation and drainage infrastructure as well as flood protection works in residential areas	
Conducts emergency maintenance or rehabilitation interventions to ensure the safety of dams and irrigation reservoirs, when necessary	LGU
Takes into consideration the consequences of its activity on the natural balance and takes measures to prevent or minimize the disorder or damage to it	
Cleans and maintains drainage and irrigation canals	
Uses and maintains irrigation and drainage pumping stations	
Exploitation	Responsible Institutions
Orders IDD, in exceptional cases for the temporary use and maintenance of the irrigation, drainage and flood protection works transferred to the municipality, in such cases as dams risk and flooding	MARD
Concludes the contract for the right to exercise the aquaculture activity, since the latter concludes a contract with the municipality representative.	MARD

	Temporarily utilizes and maintains infrastructure for irrigation, drainage and flood protection works transferred to the municipality, in such cases as dams risk and flooding	IDD
	Requests from IDD and LGU data and documentation from organizations for utilization of the infrastructure that has been transferred	MARD
	Uses the irrigation and drainage infrastructure in their ownership	LGU
	Uses and maintains irrigation and drainage pumping stations	
	Cooperates on water needs planning for irrigation, utilization, maintenance and rehabilitation of irrigation and drainage systems with respective IDD, in cases where the latter manages the main infrastructure in these systems	IDD/ LGU
	Monitors the amount of water it uses over a year	
	Keeps inventory of irrigation, drainage and flood infrastructure, transferred to their ownership	
	Keeps records of blueprints, the service area under irrigation and drainage, the amount of water taken by the municipality/organization; the amount of water or the number of irrigation obtained by the members, the obligatory payments, the fees to be paid and those that are already paid, the inventory of the assets, the inspections and controls of the irrigation infrastructure and the dams	LGU
	Collects the annual maintenance fee for each land surface	
	Examines the hydraulic and economic feasibility of the irrigation service area of water use organizations	IDD/ LGU
	Gives in use the infrastructure for not less than 10 years irrigation and drainage infrastructure	
108	Adopts the statute of water use organizations and agricultural co-operation before registration in court	LGU
	Controls the accounts of each organization	

REGULATION OF FUNCTION

Object	Responsible Institution
Rules and technical criteria for the maintenance and operation of irrigation and drainage infrastructure	
Draft agreement for giving in use of irrigation infrastructure and drainage to agricultural cooperative societies	
Draft statute of water use organizations	
The form and content of registers for: a) blueprint indicating the area under the irrigation and drainage service; b) inventory of assets; c) register of contracts for maintenance, rehabilitation and construction of infrastructure; ç) the register for inspections in the infrastructure of irrigation, drainage and flood protection works.	MARD
Service fees	LGU

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Irrigation and drainage infrastructure from technical point of view	Infrastructure of Irrigation and Drainage	MARD	Land Protection Inspectorate
Technical and physical control of irrigation, drainage and flood protection works		MARD/ LGU	
The quality of irrigation and drainage system and soils under these systems			
Safety of reservoir dams for irrigation			

Findings

Legal gaps

Law no. 24/2017, dated 9.3.2017 “On the Management of Irrigation and Drainage” defines the adoption of several by-laws for the regulation of this function; specifically, the rules and technical criteria for the maintenance and operation of the irrigation and drainage infrastructure have not been drafted yet by MARD.

Recommendation [78]: It is recommended to approve the guidance pursuant to article 6, point 2 of law no. 24/2017, dated 9.3.2017 “On the Management of Irrigation and Drainage”.

The by-laws necessary for the transfer from LGUs of the right to use the irrigation and drainage infrastructure to Water User Associations have not been approved yet by MARD, specifically:

- A template agreement for the transfer of the right to use the irrigation and drainage infrastructure to agricultural cooperative associations;
- A template statute of Water User Associations.

Recommendation [79]: It is recommended to approve the guidance pursuant to article 20, point 4 and article 25, point 3 of law no. 24/2017, dated 9.3.2017 “On the Management of Irrigation and Drainage”

5.5.2 ADMINISTRATION AND PROTECTION OF AGRICULTURAL LANDS AND OTHER CATEGORIES OF RESOURCES, ... (ARTICLE 27/2)

The central and local government institutions for this function appear in the following organization chart:

110

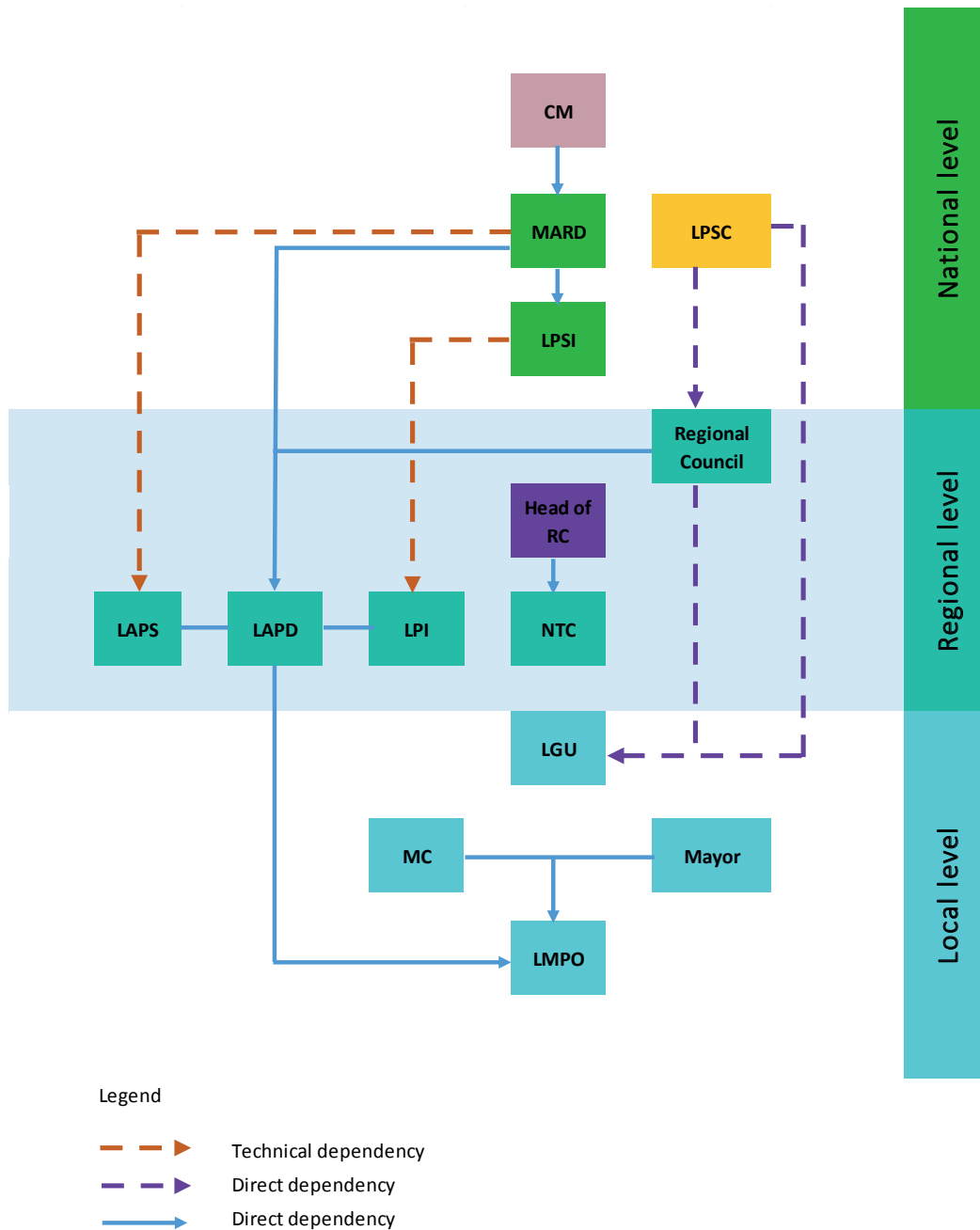


Chart 21: Organization chart for the function:
Agricultural lands administration and protection (Article 27/2)

Implementation

The following presents the administration and regulation of this function by defining the institutions involved respectively.

Delegated Function		Responsible Institution	
Completes the acts of acquiring land owned		Mayor	
Reports monthly about the progress to the Region prefect		Mayor	
REGULATION			
Object		Responsible Institution	
Time intervals of mandatory analysis of soil, solution and gaseous substances indicators		CM	
Composition, mode of operation, duties and responsibilities of LPSC, NILP, LPC, as well as IPC in the Region			
Ways of exercising the functions of LAPD and LMPO			
The type of cadastral documentation that is being kept and used, based on which administrative and legal actions on resources are carried out		MARD	
Technical standards for the protection of agricultural land			
Data system, content and form of agricultural land protection registry r			
Regulation on the functioning of field observation areas			
Methodical and technical management of land and management			
MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Implementation of techniques in the field observation areas	LPC/ LPI/	LPSI	
Methodical and technical implementation of land administration and management	LAPD/ LGU/ LMPO		
Implementation of legal requirements and work assessment		LPSI	LPSC
Maintenance of technical documentation for land protection	LAPD/ LMPO	LPSI	
Construction and any change of agricultural land categories	LMPO/ Private entities	LAPD	LPI
The performance of "Register of agricultural land and other categories of resources"	LMPO	LAPD	LPI
Implementation of legal requirements	Private entities	Municipal Council	

Intervention in illegally usage by third parties of state-owned agricultural land	Private entities	LAPD/ LGU/ LMPO	LPI
System			
Ordinary, usual inspections (twice a year)		LPI	
Operational controls for specific territorial issues and sequences		LPC/ LPI	

Findings

Legal gaps

The administration and protection of agricultural land and other categories of resources as unproductive land is regulated by 2 main laws (i) law no. 9244, dated 17.6.2004 “On the Protection of Agricultural Land”, as amended, and (ii) law no. 8752, dated 26.3.2001 “On the Establishment and Functioning of Administration and Protection Structure of land”, as amended. Both laws were last amended in October 2014, prior to the adoption of Law 139/2015 date 17.12.2015. Also, they are not affected by the adoption of law no. 115/2014 “On the administrative-territorial division of the local government units in the Republic of Albania”, as amended.

In the above organization chart this function shows a direct dependency of LGUs from central institutions, and even from the Regional Council.

112

Namely, law no. 9244 defines the MARD as the technical and administrative leader of all state structures involved in land protection activities, including structures within LGUs, which is in conflict with the principle of local autonomy (Article 4/1 of law 139/2015).

Recommendation [80]: It is recommended the amendment of Law No. 9244, date 17.6.2004 “On the Protection of Agricultural Land”, as amended, and Law No. 8752, date 26.3.2001 “On the Establishment and Functioning of Administration and Protection Structures of land”, as amended, abolishing the management of LGU’s structures by MARD; the responsibilities of LGU’s with regard to the administration and protection of agricultural land be determined based on the principle of local autonomy.

Meanwhile, the regional council manages technically and administratively the state structures in the territory of the region, taking mandatory decisions by LGUs, conducts inspection through ILP (Inspectorate for Land Protection), etc.

Article 16 of the draft law “On the state budget for the year 2019” foresees that the administrative staff of the regional council shall not exceed 10 persons, as provisioned in the law no. 109/2017 “On the State Budget for the year 2018”. Consequently, in the organizational structures of the regional councils, ILP staff has been particularly reduced, in particular the staff responsible for land protection services. Under reduced human resources, the region is no longer capable of executing this function.

Recommendation [81]: Due to lack of capacities of the regional council to execute functions, it is recommended to amend the law no.9244, dated 17.6.2004 “On the protection of agricultural land”, as amended and the law no.8752, dated 26.3.2001 “ On the Establishment and Functioning of Land Management and Protection Structures “, as amended, and other sub-legal acts and to transfer responsibilities to LGUs for an effective implementation of land management and protection activities.

5.5.3 ESTABLISHMENT AND ADMINISTRATION OF THE LOCAL INFORMATION SYSTEM AND AGRICULTURAL AND RURAL ADVISORY ... (ARTICLE 27/3)

No regulations are found in the sectorial legislation for this function, LGUs freely administrate and regulate it.

FUNCTION ADMINISTRATION			
Establishment and administration of the local information system and agricultural and rural advisory service, according to the legislation in force			Responsible Institution
Planning			LGU
Organization			LGU
REGULATION OF FUNCTION			
Object			Responsible Institution
Specifies function adjustments			LGU
MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Institution Imposing Penalties
Implementation of the function	LGU	LGU	There isn't any

Findings

Legal gaps

The establishment and administration of the local information system and agricultural and rural advisory services is regulated by law no. 9817, dated 22.10.2007, "On Agriculture and Rural Development", as well as by DCM no. 709, dated 29.10.2014 "On the adoption of a cross-cutting strategy for rural and agricultural development 2014-2020", as amended. In these acts LGUs are not defined as responsible bodies for implementing responsibilities related to the function. However, LGUs can exercise this function without restraint in accordance with Article 32/2 of Law 139/2015.

Recommendation [82]: It is recommended to amend the law no. 9817, dated 22.10.2007, "On Agriculture and Rural Development", (i) defining competences of LGUs and (ii) co-ordinating activities between MARD and LGUs.

5.5.4 CREATION AND ADMINISTRATION OF LOCAL SCHEMES FOR AGRICULTURE AND RURAL DEVELOPMENT GRANTS ... (ARTICLE 27/4)

Findings

Legal Inconsistency

This function is not regulated by the sectorial legislation, LGUs have no defined competences.

Law no. 9817, date 22.10.2007, "On Agriculture and Rural Development", in article 6, determines the establishment of programs for agriculture and rural development administered by the MARD through the Agricultural and Rural Development Agency with the purpose of supporting agriculture and rural development, paying attention to the need for project planning and supporting measures.

The program's financial resources also include LGUs budget.

By giving to the payment agency (ARDA) the exclusive authority for administrating the program, LGUs cannot implement this function, which is in violation with the provisions of the law 139/2015, Article 27, and point 4, .

Recommendation [83]: It is recommended to amend article 6 of law no. 9817, dated 22.10.2007, including LGUs in the administration of agricultural and rural development programs.

114 5.5.5 FORESTRY AND PASTURES PUBLIC FUND ADMINISTRATION (ARTICLE 27/5)

Box 15

Strategic Directions and MTR findings for the function of forestry and pastures public fund administration

- *Full decentralization of the local forests and pastures function; municipalities will be the main actor for their management as an economic and environmental asset.*
- *Increase cooperation between advisory service and LGUs in order to ensure the participation of local government in the relevant policy-making process and management of forest areas.*

Midterm situation of the function

- *The Forestry service has been restructured and decentralized to the municipalities, abolishing more than 300 former DCMs for the transfer to the former communes.*
- *Drafting the legal basis has enabled: (i) preparation of forestry and pasture fund inventory for municipalities, (ii) distribution plan of the transfer, personnel, movable and immovable property and respective budget and (iii) drafting by-laws on the transfer and regulation for implementing the function by the municipalities.*
- *MTR reports that in forestry management, issues persist with asset management, protection and development; as well as competencies and monitoring capacities.*

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

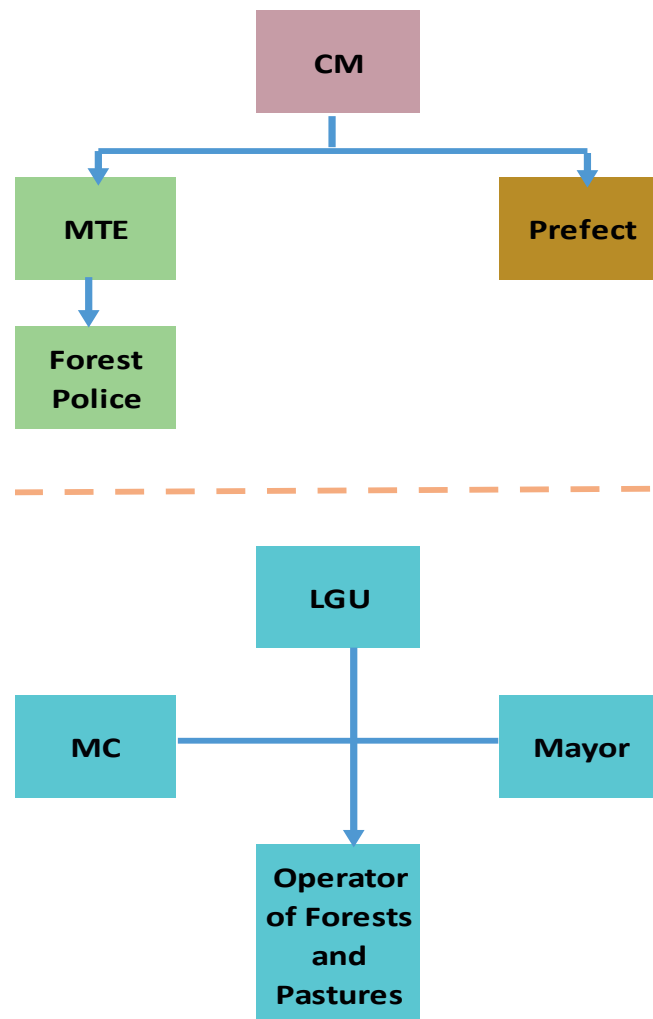


Figure 22: Organization chart for the function: forestry and pastures public fund administration

Implementation

The following presents the administration and regulation of this function by defining the institutions involved.

ADMINISTRATION OF FUNCTION	
Local forestry fund administration	Responsible Institution
Planning	
Drafts policies, strategies	
Approves management plans for the forestry fund	MTE
Approves the forest sector development program	
Drafts local forestry breeding plan	LGU

Approves the forestry breeding plan	MTE
Drafts the forest and second products of forest and non-forest utilization plan	LGU
Approves forest utilization plan and second products of forest and non-forest	MTE
Plans funds for investments in forests, for the planning of collection and promotion of new processing and trading equipment for forest products, and for the creation of the agro-forestry sector	LGU
Organization	
Data management	
Reflects the data of the forest fund cadastre	MTE
Records and manages documents for the design and implementation of forest breeding and inventory plans, forestry cadastre, projects, finance, movable and immovable property, basic data for the entire forestry and pasture and forestry stock, as well as statistical works and generalizations	MTE
Collects data for the development of public and private forests	LGU
Maintains and administers all documents for drafting and implementation of private forest breeding fund plans within the municipal administrative unit	LGU
Keeps records of diseases, pests and fires in the forests and pastures of the municipality	LGU
Development	
Runs and develop local forests, according to breeding plans	LGU
Take measures for forestry investments	LGU
Maintains and ensures the functioning of infrastructure in the municipal forest fund	LGU
Conducts work on improving the eroded areas and combating the erosions and avalanches within the territory of the municipality	LGU
Interrupts the works that are not in compliance with the projects drafted and provided	Forest Police
Supervises the development of wild flora and fauna and proposes methods for the protection of rare or endangered species	LGU
Economic Activity	
Approves the removal of surfaces (lands) from the forest fund	MTE
Gives in uses part of the municipal forest fund based on contracts	LGU
Grants permission to carry out activities in the forestry fund, coordinating the work with the Ministry of Economy, Trade and Energy, which, in accordance with the legal provisions in force, has the right to equip the physical and legal entities with the relevant permits of exercising the activities in a specified area.	MTE
Contracts companies for the service and maintenance of the forest fund, within the approved area for the development of tourism, for the protection from damage and illegal logging, from diseases and insects, from fires, and for the type of new trees to be planted in the certain territory.	MTE
Assesses the annual capacity and annual exploitation capacity for the community and other public institution for firewood need	LGU
Approves the annual capacity and annual exploitation capacity for community and other public institutions for firewood need	MTE
Contracts for the utilization of forestry funds for the community and other public institutions for firewood need	LGU

Grants permission for the collection of second tier forest products, such as the roots of the ox, the mare, the bush, etc. of the willow, withe etc. the pine resin, the flowers, the fruit forests, medicinal plants, ethereal and tannery plants, mushrooms and other forest and non-forest sub plants	LGU
Provides permission for pruning for leaves, livestock grazing, mowing or gathering of grass in the public forestry fund	LGU
Issues permits for private and public forestry excavation, and in the water streams to extract humus, stones, sand, gravel, grass dredges or other such as; placement of charcoal; lime kilns or quarrying	LGU
Takes measures to improve the collection and promotion of new processing and trading equipment for forestry products and to create the agro forestry sector	LGU
Blocks the activity exercised by any natural or legal person who fails to comply with legal obligations within certain time limits and / or does not respect the terms of the contracts	Forest Police
Fire Protection	
Approves the plan of measures for the prevention and management of fires in the national forests and pastures fund for all forms of ownership	Prefect
Organizes fire prevention work in the local forestry fund	LGU/ Forest Police
Organizes work to extinguish forest fires	Forest Police
Performs the organizational and technical management of the operation for the extinction of fires in forests and pastures	LGU
Controls and takes over the works in pastures	MTE/LGU
Protection of forest fund	
Provides protection, sustainable governance and control of the management of the forest and pasture fund	LGU
Maintains biological stability in the local forestry fund;	
Protects and manages the national forest fund, regardless of ownership, damages, illegal logging or pastures, diseases and insects, fires, destruction, invasion or alienation	LGU
Protects the environmental balance through ecological conservation in forestry and pasture ecosystem interventions and the use of modern standards for their renewal and natural environment	LGU
Blocks the forest fund in case observes that plants and forest products are infected with quarantine parasites and that legal violations/infringements are committed	MTE/ LGU/ Forest Police
Supervises work to improve eroded areas and combat corrosions, slips and avalanches	LGU
Supervises the development of wild flora and fauna and proposes methods for the protection of endangered or rare species	LGU
Controls the implementation of the law and bylaws in force on forests, pastures, protected areas, wild flora and fauna, hunting activities and other activities being carried out in the national forestry fund by private and public, legal and natural entities, as well as proposes the revocation of licenses when entities violates these acts.	Forest Police

Prevents, detects and combats damage, invasion, abuse, alienation, desecration and degradation of forests and pastures, uncontrolled interventions in the forestry fund and in the natural environment of forest and non-forest resources owned or used by municipalities or private entities.	Forest Police
Prevents and takes measures in the cases of illegal exploitation and trading of wood material, forest and non-wood products, crime in the forestry sector, pastures, protected areas and forests with a special function, wild flora and fauna, medicinal, aromatic, ethereal and tangerine plants, forest and non-forest products of the national forest fund, as well as any other activity	Forest Police
Controls the activities of the subjects that collect, process and trade the products obtained from the use of forests (bodies, building materials, mining pylons, logs, firewood, coal, etc.) and semi-processed products (boards, elements etc.) in processing centres (warehouses, saws, circulars, etc.) and in warehouses and storages;	Forest Police
Controls the implementation of works carried out according to projects in forests, pastures, hunting reserves and protected areas	Forest Police

Administration of local pasture fund		Responsible Institution
Planning		
Drafts strategy		MTE/ LGU
Approves strategy		KM
Approves management plans for the pasture fund		MTE
Approves the development program of the pasture sector		MTE
Drafts pasture breeding plan		LGU
Approves pasture breeding plan		MTE
Plans the use of funds for studies in pasture economies, for assessing and increasing the ability of retaining in pastures and meadows, as well as for carrying out works and constructions therein, according to projects, at the national level		MTE
Plans funds for investments in forests, for planning the collection and promotion of new processing and trading equipment for forest products, and for the creation of the agro forestry sector		LGU
Drafts projects for pasture investments		LGU
Organization		
Data management		
Maintains and administers all documents for the design and implementation of forest breeding and inventory plans, forest cadastre, projects, finance, movable and immovable property, basic data on the pasture fund, as well as statistical work and generalizations		MTE
Follows up the development of methodologies for collecting development data in pasture sector, processing these data and preparing information to the public		MTE
Registers state pastures and meadows, together with their infrastructure at the movable and immovable property registration office		LGU
Keeps records of disease, pests and fires on the pastures		LGU
Report to MTE the data required for inventory and registration in pasture and meadow register		LGU
Development		

Manages and supervises the work on improving the eroded areas and fighting the erosions, slips and avalanches	LGU
Controls and takes over the works performed in pastures	MTE/LGU
Follows the implementation of breeding and inventory plans for pastures, wild flora and fauna, as well as avoidance of diseases, pests and fires	MTE
Controls the implementation of works carried out according to projects in forests, pastures, hunting reserves and protected areas	Forest Police
Controls the implementation of works carried out in pasture projects	Forest Police
Economic Activity	
Organizes work on the definition of pasture economies and their separation into parcels and sub parcels	MTE
Collects, administers and uses pastures and meadows, in accordance with the requirements of the law	LGU
Gives in use pastures or meadows for grazing or mowing	LGU
Prevents and takes measures in cases of illegal exploitation and trading in the pasture sector	Forest Police
Protection of Pasture Fund	
Controls the implementation of the laws and bylaws in force on pastures, protected areas, wild fauna and flora, hunting activities and other activities carried out in the national forest fund	Forest Police
Take measures to prevent fires and their extinction	LGU
Approves the burning of pasture or meadow in special cases	LGU
Announces MTE for infections and pests that appear in pastures and meadows	LGU
Supervises the development of wild flora and fauna and proposes methods for the protection of endangered or rare species	LGU
Provides technical support through counselling of private owners and community	LGU
Organizes training and advisory services for private owners	LGU

REGULATION OF FUNCTION

Object	Responsible Institution
Method for drafting forest breeding plans,	MTE
Criteria and procedures for reducing the surface area and volume of the forest fund	CM
Rules for the prevention and extinguish of fires in forests and pastures, as well as for the creation of fire extinguishing units	CM
Procedures, rules, payments for the protection of private forestry fund by Forestry Police and draft agreement	MTE
Expenditures and provision of funds and equipment for the protection of the national forest fund from fires, pollution and the fight against diseases, insects and parasitic weeds are covered by the State Budget on the basis of criteria set by the Council of Ministers.	CM
Detailed rules for the establishment and maintenance of the National Forestry Cadastre for registration, updating and changes in its status	MTE

Rules for grazing and passing livestock in public forests, new forestations, used or renewed forest parcels, defensive forests and of special function, in hunting and fauna breeding reserves as well as in those of seeds	MTE
Forest Inventory Criteria	MTE
Rules for permitting simple, non-commercial constructions, fencing and restriction of visitor movements, within the fenced territories of the parts of the public forest fund and those declared with special protection function	MTE
Tariffs applied for all activities in the forestry and pasture sector, for public and environmental services, developed in the public forestry fund, as well as for forest damage assessment	CM
The criteria for the transfer and utilization of forests by the municipalities	CM
Requirements to be met by subjects for participation in public competition for the purpose of treating and using the national forest fund	MTE
The criteria and rules for the use of forests and the sale of wood material and other forest and non-forest products.	CM
Method on the usage, size and shape of the timber mark hammer for marking forest trees before cutting wood forests in the national forestry fund	MTE
Criteria and contingents for the collection of second forest products, such as the roots of the ox, the mare, the tusks, the willows etc., the pine resin, the roots and bark, forest fruit buds, medicinal herbs, semolina and tangerines, mushrooms and other forest and non-forest sub plants	MTE
Criteria for the creation and organization of forest or catchment basins such as production units, to ensure the continuity of the forest production process at the regional level	MTE
The criteria and the way of determining the penalty caused by the wrongdoer	CM
Rules and procedures for the public participation in decision-making in the forest management structures	MTE
Service standards number of employees/hectare	Law no. 9385
Rules for recording of the pasture in pasture register, updating and changes in the state of pasture and meadows	MTE
Tariffs for grazing livestock or for mowing grass	CM
Detailed rules for the permits for usage of pastures or meadows for grazing or mowing	CM
The bio monitoring regulation	MTE
Rules for recording of the pasture in pasture register, updating and changes in the state of pasture and meadows	MTE
Tariffs for grazing livestock or for mowing grass	CM
Detailed rules for the permits for usage of pastures or meadows for grazing or mowing	CM
The bio monitoring regulation	MTE

120

Findings

Legal gaps

Law no. 9385, dated 4.5.2005 “On Forests and the Forestry Service” amended has not yet been accompanied by several by-laws for its implementation, struggling with the implementation of LGUs responsibilities for this function. Explicitly, the DCM on the criteria and methodology for determining the value of damage caused by wrongdoers has not been approved yet..

Recommendation [84]: It is recommended to approve the abovementioned DCM, pursuant to article 41/1, item 4 of the law no. 9385, dated 4.5.2005 “On Forests and the Forestry Service” amended.

The following instructions have not been issued yet by the MTE:

- on the methodology of drafting forestry breeding plans;
- rules for grazing and bypassing of livestock in public forests, in new forestations, in exploited forest plots or plots under rehabilitation, in protective forests or forests with particular functions, in hunting and wild fauna breeding reserves, as well as in seed reserves.
- rules on construction of simple, non-commercial, edging, fencing and restriction of visitor movements, within the fenced territories of parts of the public forestry fund and of those declared with a special protection function;
- on the criteria and contingents for the collection and use of secondary forest products, such as the roots of the ox, the mare, the tusks, the willows etc., the pine resin, the roots and bark, forest fruit buds, medicinal herbs, semolina and tangerines, mushrooms and other forest and non-forest sub plants

Recommendation [85]: It is recommended to adopt the instruction on how to draft forest breeding plans, pursuant to article 5, item 6 of law no. 9385, dated 4.5.2005 “On Forests and the Forestry Service” as amended.

Recommendation [86]: It is recommended to adopt the instruction for setting rules for grazing bypassing of livestock in public forests, in new forestations, in exploited forest plots or plots under rehabilitation, in protective forests or forests with particular functions, in hunting and wild fauna breeding reserves, as well as in seed reserves, pursuant to article 21, point 10 of Law no. 9385, dated 4.5.2005 “On Forests and the Forestry Service” as amended.

Recommendation [87]: It is recommended to adopt the instruction on rules for authorization of construction of simple, non-commercial, edging, fencing and restraining visitor movements across fenced territories of the public forest stock and across territories declared of special protection function, pursuant to article 21, point 14 of law no. 9385, dated 4.5.2005 “On Forests and the Forestry Service” as amended.

Recommendation [88]: It is recommended to adopt the instruction on criteria and contingents for the collection of secondary forest products, pursuant to article 26, point 14 of Law no. 9385, dated 4.5.2005 “On Forests and the Forestry Service” as amended.

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Implementation of forests, pastures, wild flora and fauna inventory and breeding plans, , as well as avoidance of diseases, pests and fires			
Handing over of the works performed in forests and pastures		LGU/ MTE/ Forest Police	
Sustainable and multifunctional management of the local forestry fund	LGU/ Private Entities		
Implementation of the forest utilization plan and second forest and non-forest productions.			Forest Police
The quality of monitoring, measurement, application of methodologies, qualification of participating specialists, equipment used and the veracity of results		NEA	
Handing over of the works performed in forests and pastures	Private Entities	LGU	
Work to improve the eroded areas and combat the erosion, slipping and avalanches			
System			
The scheme for the long-term monitoring of forest conditions, for continuity and further development, forest protection measures and the forest environment from atmospheric pollution, maintaining the balance of ecological natural systems, avoiding diseases and emergence of insects in forests, as well as measures fire prevention		LGU	
Approves the monitoring program which comprises monitoring of their qualitative and quantitative indicators, forest biodiversity, natural phenomena and their pollution and damage		MTE	
Methodological processing for the collection of forest and pasture development data, processing of such data and preparation of information for the public		MTE	
Forest monitoring data system		NEA/ MTE/ LGU/ Forest Police	

Findings

Legal Inconsistency

In relation to the physical and legal persons activities carried out in its territory, LGUs have no authority in taking administrative measures against wrongdoers in the forests and pastures sector. Forestry and pasture structures are obliged to notify the forestry police about the administrative measures to be imposed, which, in turn, due to delays, distance from the place of occurrence and the impossibility of reaching the sight of the event, often do not impose the administrative measure.

Recommendation [89]: It is recommended to extend the competences of LGUs, specifically to give LGUs the competence for imposing administrative measures directly against physical or legal persons causing infringement, of the provisions of the law no. 9385, date 4.5.2005 “On Forests and the Forestry Service” as amended, and law no. 9693, date 19.3.2007 “On the Pastoral Fund”, as amended; by taking the best practise of construction inspectorates in LGUs.

5.5.6 NATURE AND BIODIVERSITY PROTECTION (ARTICLE 27/6)

Findings

Legal Inconsistency

Law no. 9587, dated 20.7.2006 “On Biodiversity Protection”, as amended, regulates the function of nature and biodiversity protection.

Article 7 defines central and local authorities jointly responsible for the administration of resources. Assigning the same competencies to several government authorities leads to ambiguity in the division of responsibilities and, consequently, also in the allocation of financial resources necessary for the exercise of this function. Law no. 139/2015 “On Local Self-Government”, unlike the previous law, has removed the categorization of functions in “own” and “shared”. This change is harmonized with the Constitution, which does not recognize the concept of “shared function” between central government and local government. This practice results in the lack of coordination of activities to be undertaken by the involved institutions.

Recommendation [90]: It is recommended to amend law no. 9587, date 20.07.2006 “On Biodiversity Protection”; specifically is recommended to clearly define the responsibilities of central authorities and LGUs, as well as methods of cooperation among these authorities.

5.6 LOCAL ECONOMIC DEVELOPMENT SECTOR

Box 16

Strategic Directions and MTR findings on local economic development

- *Draft and implementation of the appropriate policy framework and coordination mechanisms for local economic development.*
- *Promotion of encouraging business climate at local level will be a new function of local governance.*
- *Strategic Development Plans elaborated by each LGU in conformity with the national and regional development policies, as the main planning tool for local economic development.*
- *Application of PPPs at local level will be easier by legislative amendments.*

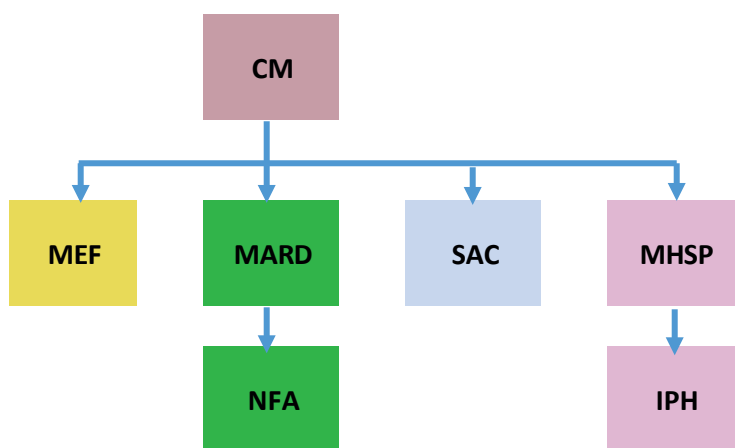
Midterm situation of the function

- *A series of sectorial legal amendments to strengthen the role of LGUs for strategic investments, public-private partnerships, local asset management. Concurrently, work is being done to determine the relevant sub-legal acts.*

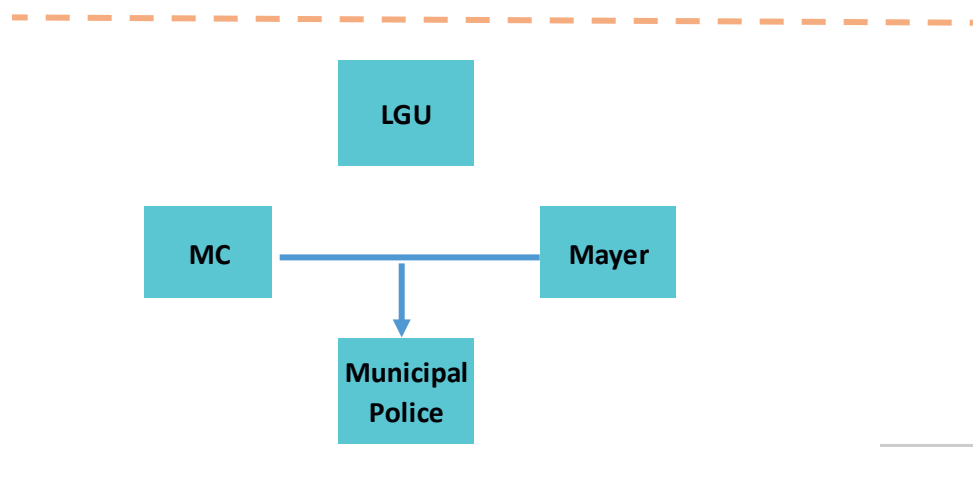
5.6.1 DRAFTING STRATEGIC DEVELOPMENT PLANS AND PROGRAMS FOR LOCAL ECONOMIC DEVELOPMENT (ARTICLE 28/1), ... (ARTICLE 28/2), ... (ARTICLE 28/3), ... (ARTICLE 28/4), ... (ARTICLE 28/5), ... (ARTICLE 28/6)

Functions under the category of economic development are functions largely unregulated by legal provisions, therefore these functions are carried out by LGUs without restraint by determining the arrangement and operation of these functions. The revised legal basis provides for some elements regulating these functions as follows:

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:



124



Charts 23: Organization chart for the function: Local Economic Development

Implementation

The following presents the administration and regulation of this function by defining the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Drafting of strategic development plans and programs for local economic development	Responsible Institution
Planning	
Draft policies and plans for the development of technology areas and economic development	
Drafts regulations for the functioning of technology areas and economic development	
Identifies potential areas and prepares procedures for their publication	
Encourage and assist developers, operators and users to create, develop and operate areas	MFE
Approves the kick off of the economic activity of the user in the area, considering the promotion of new industries, innovative technologies, information technologies, industries that meet international standards for reduction of pollutions, energy-efficient industries, and industries with high productivity, in relation to employees	
Prepares the unit's strategic development plan	LGU
Establishment and functioning of public markets and trade network	Responsible Institution
Establishes markets	LGU
Cleans market spaces	LGU
Conducts hygienic-sanitary control of food products sale	NFA
Determines the location and administration of live animal markets	LGU
Performs veterinary service in slaughterhouses and slaughter premises, for animal health control before and after slaughter and meat carcass sealing	LGU
Enhances capacity through the establishment and functioning of new domestic markets and trade network	LGU
Grants permission to use public space in function of the development of trade activity	LGU
Provides health booklet to all persons working in the facilities of production, storage, transport and marketing of food products	LGU
Issues a veterinary certificate, accompanying its meat and its by-products	LGU
Support small enterprises development, through incentive programs, such as fairs and advertising in public places	Responsible Institution
Creates a tax-facilitating system	
Improves the tax system	LGU
Enables tax payments electronically	

Providing financial grants to support the activity of small and medium enterprises	Responsible Institution
Assesses and authorizes state aid schemes	SAC
Oversees the use of state aid and the economic result obtained from its grant	SAC

Delegated function	Responsible Institution
Business registration and licensing	NBC/ LGU

REGULATION OF FUNCTION

Object	Responsible Institution
Regulation for the use of public spaces	LGU
Regulation of activities in local markets or support for market infrastructure	
Rules for the development of fairs and advertising in public spaces	
Conditions, criteria, intensity of assistance and procedures for granting and authorizing state aid to small and medium-sized enterprises	
Criteria: potential beneficiaries of the aid plan; the category of activities eligible for assistance; the minimum and maximum value of state aid support	
Indicators for measuring performance and impact, with a view to monitoring state aid	

126

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Observance of the service hours of trading units		LGU	Municipal Police
Preventing illegal actions in the field of trade	Trading society		Municipal Police
Activity at the stages of production, processing, distribution and trading of food products of food for animal feeding		NFA	NFA
Specific job objectives and service quality indicators	NBC	MSHMS	

5.7 PUBLIC SECURITY

5.7.1 CIVIL PROTECTION AT LOCAL LEVEL AND ADMINISTRATION OF RELEVANT STRUCTURES (ARTICLE 29/1)

Box 17

Strategic Directions and MTR findings for the function of public security

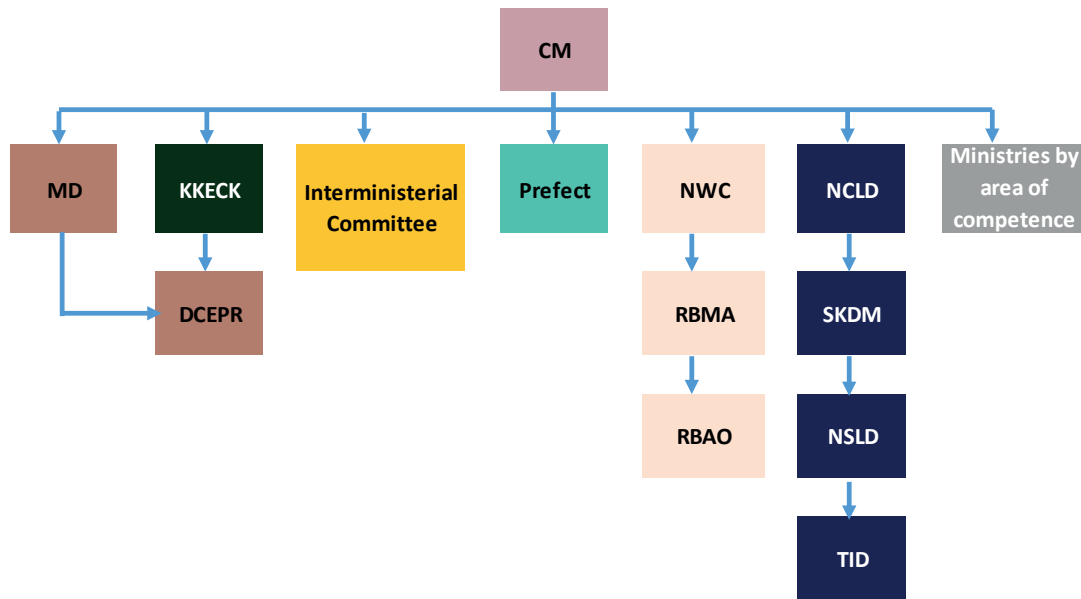
- *The strategy and the new law on civil protection will revise and improve the competencies and role of local authorities in the area of civil protection.*

Midterm situation of the function

- *The review of the Prefect's law was one of the achievements towards eliminating overlapping of competencies between diffused structures at local level and local government structures.*
- *The legal process for reviewing the functions in the civil protection and defence sector was completed, in conformity with the new administrative division.*
- *The central government will provide support for the development and modernization of civil emergency infrastructure and capacity building of staff.*

Civil protection at local level consists of the following main components: prevention, flood prevention regulated by specific legislation, civil emergency announcement, preparedness, damage assessment and reconstruction.

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:



128

Chart 24: Organization chart for the function: Civil protection at local level and administration of relevant structures

Implementation

The following presents the administration and regulation of this function by defining the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Local Level Civil Protection and Related Structure Administration	Responsible Institution
Prevention	
Adopts national policies and programs for planning	CM
Plans funds for state preventative tools and equipment	
Assesses the risks on which the national plan is based	Ministries by area of responsibility
Develops and manages planning programs	
Organizes, implements and monitors the data system at national level	

Prepares and implements the national coping plan	MD/ DCEPR
Plans the utilization of financial and material resources	DCEPR
Collects and processes the necessary data from the municipalities for the implementation of planning responsibilities	Prefect
Follows and requests from the subordinate bodies the notification schemes and their operation	
Anticipates the necessary material and financial resources and reserves for population allocation	Mayor
Collects and processes the necessary data from the administrative units for the implementation of planning responsibilities	
Implements the assigned tasks by the planning and civil emergency management structures at central level	
Plans and implements the awareness raising campaigns dealing with civil emergencies	
Flooding Prevention measures	Responsible Institution
Approves the flood risk management plan	CM
Drafts the flood risk management plan	RBMA/ RBAO
Applies restrictions on the use of flooded areas or areas that are under the harmful effects of water	NWC
Provides opinion on the implementation of restrictions on the use of flooded areas or areas that are under the harmful effects of water	RBMA/ LGU
Prevents floods	NSLD
Collects data for dams	
Assists in processing and interpreting the data of hearing equipment's located in the body of the dam	NCLD
Sets tasks to fulfil dam safety	
Emergency Announcement	Responsible Institution
Decides for a period of no longer than 30 days of natural disaster in a part or all of the country's territory for the forecasting, preventing, intervening operations or recovering the consequences of situations	CM
Approves the extension of the state of emergency beyond 30 days.	The Albanian Parliament
National coping plan	Responsible Institution
Approves coping policies and programs for	CM
Approves the national coping program and creates conditions for education, training, and planning	
Plans funds for the reserves and equipment	KKECK
Coordinates the actions of state institutions and private entities for material and financial resources for dealing with civil emergencies and crises	

Coordinates the actions of the service forces	IMCCE
Coordinates the management of state reserves, and determines the way they are used.	
Determines the ways and procedures for using material and financial resources	
Appoints the operating director/leader for its management	
Develops and manages coping programs	Ministries by area of responsibility
Elaborates the implementation of education and training programs in the field of protection against natural or other disasters.	
Coordinates the organization and equipment's of the intervention forces	
Organizes, implements and monitors the data system at national level	
Prepares and implements the national preparation and coping plan	MD/ DCEPR
Performs co-ordination of actions in the field of drafting preparation and coping with civil emergencies plans among different authorities and volunteer organizations.	Advisory Technical Commission
Plans civil emergencies in the respective region	
Organizes and coordinates the work for drafting civil emergency plans in the region and for the implementation of protection measures;	Prefect
Collects and processes the necessary data from the municipalities for the implementation of coping responsibilities	
Organizes, co-ordinates the equips the operational forces;	
Follows up the fulfilment of tasks to ease the effects of civil emergencies and to organize intervention	
Follows on recovery from natural or other disasters	
Submits a request for assistance in neighbouring regions and at central instances if necessary	
Appoints the operation leader to cope with the civil emergency within the respective region	
Coordinates the activities of regional authorities and volunteer organizations	Regional Commission

Runs the organization and coordination of work for drafting civil emergency preparedness plans and for the implementation of the protection measures in the respective municipality	Mayor
Collects and processes the necessary data from the administrative units for the implementation of the planning and coping tasks in civil emergencies	
Organizes the population alerting system for the risk and takes care of the operation of the alerting equipment's	
Provides the resources and reserves needed to accommodate the population in emergencies from natural or other disasters;	
Accomplishes the organization, co-ordination and equipping of operational forces;	
Conducts the fulfilment of tasks to ease the effects of civil emergencies and to organize intervention	
Follows on recovery from natural or other disasters;	
Submits a request for assistance in neighbouring municipalities and in region, if necessary;	
Analyses the state of planning and coping with the civil emergency in the municipality and reports to the region	
Implements the tasks set by the planning and civil emergency management structures at central level;	
Appoints the leader of the civil emergency management operation in the municipal territory.	
Faces flooding	RBMA/ LGU
Co-ordinates the actions of municipal authorities and voluntary organizations for planning and coping with civil emergencies in its territory	Local commission for civilian emergencies in the municipality
Damage assessment	Responsible Institution
Assesses the level of damage caused by natural or other disasters	CM
Sets in advance for the assessment of damages caused by natural or other disasters.	IMCCE
Reconstruction and Rehabilitation	Responsible Institution
Assesses the reconstruction and rehabilitation of natural or other disasters in order to protect the life and health of humans, livestock, property, cultural heritage and the environment and to prevent future damages and in providing basic living conditions.	Inter-ministerial Committee
Rehabilitates the damages caused from flooding	RBMA/ LGU
REGULATION OF FUNCTION	

Object	Responsible Institution
Plans and rules for flood risk management	
Planning and cost management methods for forecasting, preventing and avoiding the consequences of natural or other disasters;	
Criteria and procedures for announcing the state of civil emergency	CM
Tariffs on temporary use of vehicles in emergency situations	
Organization, operation, duties and responsibilities of the civil emergency service	
Composition and mode of organization and operation of the local commission for civil emergencies in the region	Mol
Composition and mode of organization and operation of the local commission for civil emergencies in the municipalities	

MONITORING AND EVALUATION

Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Building infrastructure for collection and disposal	Construction Companies	Construction Inspectorate Authorities	Construction Inspectorate Authorities
Construction of dams		TID/ PTCD/ LGU	TID
Dam safety	LGU		Civil Emergency Service/ Civil Protection Base/ Armed Forces/ State Police
Implementing protective and preventive measures	LGU/ Legal and physical subjects	MD/ DCEPR/ Mayor	
Rehabilitation follow-up		MD/ Mayor	

5.7.2 FIRE PROTECTION SERVICE AT THE LOCAL LEVEL, AND ADMINISTRATION OF RELEVANT STRUCTURES (ARTICLE 29/2)

Box 18

Strategic Directions and MTR findings for the function of Fire Protection Service at local level, and relevant structures administration

Strategic Directions

- *Decentralisation of the function on Fire Protection Service of LGUs.*
- *Legal amendments on the reorganization of the Fire Protection Service as well as the transfer of service staff and structures to municipalities; transfer of the necessary financial resources and capacity building.*

Midterm situation of the function

- *The fire protection service has been fully decentralised from the regional level (prefecture) and is fully transferred to the municipalities.*
- *Legislation revised, but the municipalities encounter difficulties due to obsolete equipment and high costs, including staffing.*

The central and local government institutions involved in the implementation of this function are presented in the following organizational chart:

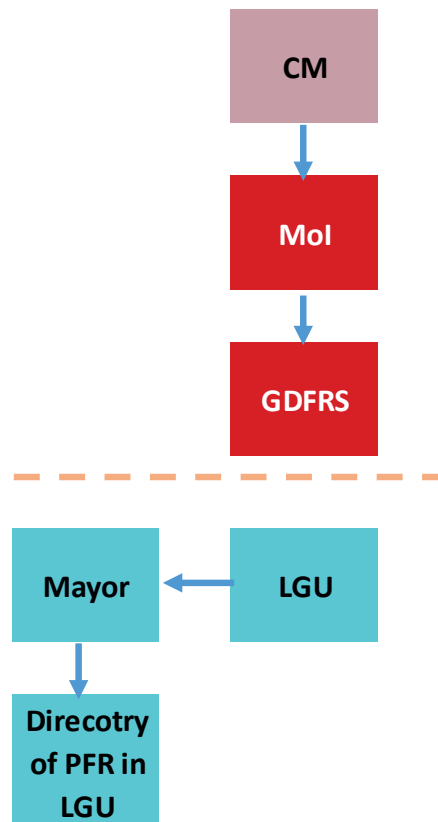


Chart 25: Organization chart for the function:
Fire Protection Service at local level, and relevant structures administration

Implementation

The following presents the administration and regulation of this function by defining the institutions involved respectively.

ADMINISTRATION OF FUNCTION	
Guaranteeing the fire service at local level, and relevant structures administration	Responsible Institution
Planning	
Drafts policies, coordinates and oversees fire protection services; Sets objectives for the implementation of general policies and government program	MB
Drafts regulation on fire protection and rescue Keeps and processes statistics for business activity	GDFPR
Organizes qualification and training for local staff for: protection from fire and rescue, the protection of the buildings with strategic and economic importance, voluntary fire and rescue services at the Security Academy and other security inspection centres Establishes and equips with tools and equipment for fire fighting and rescue stations, of the FPR service; Plans the funds;	Mayor
Provides permanent readiness of firefighting service stations with vehicles, special equipment, fire fighting personnel; Takes measures to maintain in operation the transit roads for vehicles and firefighting equipment; Ensures, through available public information tools, information on community education with knowledge and measures of fire protection;	
Establishes liaison and cooperates with partners or donors of other countries to provide technical assistance, qualifications and specializations for fire protection and rescue as well as for the supply with necessary technical materials for firefighting stations; Directs the service of the Armed Forces for the readiness of personnel, vehicles and firefighting equipment;	
Cooperates, coordinates the conduct of structures for fire protection and rescue with other operational and inspecting structures operating in the territory of the municipality; Maintains and administers the FPR service documentation, and compiles statistics on the activity and service activity;	Directorate/ Sector of FPR in LGU
Controls and supervises the activity of the fire protection and rescue service in strategic and voluntary service facilities; Leads and responds to the enhancement of the professional skills of the FPR staff, the volunteer service, the implementation of their vocational training program, and develops indicative lessons for the provision of knowledge;	
Approves the fire protection and rescue project accompanying the technical-legal documentation of development permits and building permits Approves any change of destination of use of objects or activities exercised therein	
Organization	

<p>Coordinates the activities of FPR stations of the municipalities;</p> <p>Urges the intervention with troops, vehicles and fire extinguishers in cases of mass fires or other situations, for complex rescue operations</p>	GDFPR
<p>Coordinates the service activity of the FPR with the central structures of the State Police, the Armed Forces, the Civil Protection, the Medical Emergency Service and other central institutions, to increase public safety;</p> <p>Unifies the methodology for preventive measures, intervention and inspection of the fire protection and rescue service</p>	
<p>Requires and is obliged to provide assistance with personnel, vehicles and equipment from its firefighting stations, from / to neighbouring municipalities or beyond;</p> <p>Co-ordinates firefighting operations with other operating forces</p>	
<p>Requires the responsible institutions to complete and improve the infrastructure for fire protection and rescue, in facilities of any kind, forests, pastures, etc.,</p> <p>Requires the installation and completion of functional hydraulic systems for the FPR service, in compliance with the norms and standards in force</p> <p>Requires for each facility undergoing for approval for development/construction permits to provide the project for fire protection and rescue;</p> <p>Cooperates and coordinates the actions of structures for fire protection and rescue with other operational and inspecting structures operating in the territory of the municipality;</p>	Mayor

Takes measures of inspection, prevention and intervention for the extinction of fires and rescue in the territory of the municipality;

Interferes with all the means and forces it possesses for the extinction of fires, the salvation of human life, the living property in each case of accident, incident, disaster and various emergencies;

Drafts the intervention report, with the forces, equipment's, tactics used, the intervention costs, the approximate damage caused by the fire;

Organizes work to increase the readiness of equipment's and personnel, increase efficiency in timely intervention to extinguish fires and rescue in various disasters;

Helps investigative bodies, at their request, to investigate and clarify the circumstances and causes of fire and makes the act of technical expertise;

Cooperates with State Police structures, with public security institutions, Armed Forces structures, Civil Defence Service, Medical Emergency Service, for the protection of human live and property from fire , technology risks, natural and other disasters;

Compiles statistical evidence for each case of interference and inspection and sends it to the General Directorate of FPR;

Closes down activities until the completion of fire protection and rescue measures are meet, in all categories of technological processes of construction, structures and institutions in the public environment, equipment, materials, hazardous substances, which have consequences for people's lives or property, such as explosives, ammunition, strong helmets, light flammable and combustible materials, radioactive substances, etc.

Blocks all areas where under fire, to keep the scene untouched;

Orders the immediate removal from the premises, equipment and materials and hazardous substances, which have consequences for the lives of people and property;

Controls the marketing of equipment and manual and automatic fire and rescue systems.

**Directorate/
Sector of FPR in
LGU**

136

REGULATION OF FUNCTION

Object	Responsible Institution
Tariffs on the types of services provided by the PRF service	CM
Regulation on fire protection and rescue	
The manner of recording and reviewing administrative infringements, the procedures followed for additional administrative measures and the record of ascertaining the violation	MB
Specific structures, uniforms and distinctive signs of the volunteers for PRF service	City Council
Service standards	Law no. 152/2015

MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Responsible Institution Imposing Sanctions
Service standards	LGU	Mol/ GDPRF	GDPRF
Enforcement of legal requirements	Private subjects	Mol/ GDPRF/ LGU/ Local Inspectorate of PRF	Local Inspectorate of PRF

Findings

Legal gap

Law no. 152/2015 dated 21.12.2015 “On Fire Protection and Rescue Service” evidences some legal gaps, i.e. the missing DCM for the approval of the regulation on fire protection and the instruction of the minister for identification and review of administrative infringements, procedures to be followed for complementary administrative measures and the record of offences occurred.

Recommendation [91]: It is recommended to approve the regulation on fire protection pursuant to article 10, letter a of the law no. 152/2015 date 21.12.2015 “On Fire Protection and Rescue Service”.

Recommendation [92]: It is recommended to issue instruction on the identification and revision of administrative infringements, procedures to be followed for complementary administrative measures and the record of offences occurred, pursuant to article 50, point 8 of law no. 152/2015 date 21.12.2015 “On Fire Protection and Rescue Service”.

Legal Overlap

Law no. 152/2015 dated 21.12.2015 “On Fire Protection and Rescue Service”, article 7/ 4 defines the department / sector of the FPR (Fire Protection and Rescue) at local level subordinate to the mayor.

At the same time, law no. 8224, dated 15.5.1997 “On the organization and functioning of the municipality and commune police”, as amended, in article 12 determines the dependence of the local Fire Protection Inspectorate on the regional chief inspector for the Municipal Police.

Recommendation [93]: It is recommended to abolish article 12 of law no. 8224, date 15.5.1997 “On the organization and functioning of the municipal and communal police”.

5.7.3 ENSURING COMMUNITY RELATIONSHIP WELFARE, PREVENTION OF AND MEDIATION IN RESOLVING CONFLICTS IN THE COMMUNITY (ARTICLE 29/3),... (ARTICLE 29/4)

Box 19

Strategic Directions and MTR findings for the function of ensuring community relationships performance, prevention and mediation in resolving conflicts in the community.

- *Harmonization of legislation, to eliminate overlapping of functions between state police and municipal police in urban traffic control.*
- *Review of municipal police structures based on the new organization of LGUs, the number of staff will be optimized based on defined criteria.*
- *Capacities of LGUs will be strengthened through training provided to municipal police inspectors on different areas related to their competences.*

Implementation

The following presents the administration and regulation of this function by defining the institutions involved respectively.

ADMINISTRATION OF FUNCTION

138

Ensuring community relationship performance, prevention and mediation to resolve conflicts in the community	Responsible Institution
Planning	
Drafts an incentive programme for restoration or reconstruction of damaged buildings, contributing with partial funding	LGU
Organization	
Keeps the register of administrators of condominium	LGU
Contributes to the partial funding for the construction of a new building, when the co-owners decide to collapse it, on the conditions that parts of the new building are transferred to the municipality/commune who later can give that for use or transfer to families in housing difficulties	LGU
If an assembly of the condominium is not constituted, the mayor exercises the authority of the administrator for a period of 3 months, with the right of renewal, until the assembly is constituted or the committee of the condominium contract an administrator or a management company	Mayor

Applies decisions taken by the condominium assembly.

Undertakes necessary actions for the maintenance of the condominium, including the contracting of third parties, when such a thing has been approved by the condominium assembly

Undertakes periodic, technical and hygienic checks on the condition of property and condominium, such as fire protection system, central heating system, elevators, terraces, lighting system, presence of insects and parasites etc. and actions to eradicate property damage or the presence of factors that may pose a risk for epidemic disease etc.

Collects, charges or checks the depositing of the monthly tariffs into bank account

Keeps the budget for maintenance and repairs, in special items, on behalf of the assembly

Controls the payment costs of all bills on behalf of the assembly

Keeps the book of assembly and banking accounts

Prepares the report on the financial situation, quarterly and yearly and reports on the annual meeting of the assembly

Prepares the plan of activities for the respective budget, the amount and timing of payment of monthly fees and their presentation at the annual meeting of the Assembly for decision-making

Controls the implementation of the rules of coexistence

Records the elevator at the responsible structures for the market surveillance

Advises the assembly or chair when necessary

Preventing administrative offenses, strengthening, inspecting and monitoring the implementation of regulations and acts of the LGU	Responsible Institution

Ensures the effective implementation of acts issued by the mayor and the council regarding the provision of order and the performance of public works

Takes measures to preserve the wealth of the municipality as well as those administered by it.

Ensures the execution of orders issued by the mayor in relation to legal or natural persons that do not comply the financial and fiscal obligations as foreseen in the law toward municipality as well as any other property obligation to them.

Supervises and verifies whether citizens in the administration of their property implement or fulfil the requirements of municipal acts

Determines and prevents environmental pollution, uncontrolled disposal of waste, and aware the mayor for the occurrence of harmful and dangerous parasites as well as cases of epidemics.

Prohibits, avoids and demolishes illegal constructions, prohibits illegal occupations of land and public buildings and organizes their release.

Cares for the public tranquillity, avoiding crowds and noise caused by crowds, noises caused by PA or Stereos, improper honking in roads, blocks, beaches, and other public places that cause distress to others.

Takes measures to maintain order, when there are crowds of people, such as markets, fairs, public ceremonies, art, religious and sports, in cinemas, theatres, palaces and sports halls, artefacts and other public places.

Inspects the compliances with law the sale activity in public premises.

Cares about the respect of the service hours of commercial units, buffets, restaurants, billiards, gambling and other objects with public activities, as well as the implementation of regulations or orders issued by the mayor by these subjects.

Takes security measures for the prevention of various natural disasters and help overcome them by providing assistance to the injured in emergencies.

Takes temporary measures against serious mentally ill patients, which create public disorder.

Takes care of posters, public announcements and removing illegal or unauthorized ones.

**Municipal
Police**

REGULATION OF FUNCTION	
Object	Responsible Institution
Sets the minimum standards necessary to be respected by owners in the condominium for:	
a) maintaining hygiene and public health; b) fire protection; c) physical maintenance of internal environments, facades, surrounding environments, which are part of the condominium act, as well as civic behaviour in these environments.	City Council
Application procedures, deadlines, amount of funding and any other rules for inclusion in promotion programs for restoration and reconstruction and investment in new buildings	City Council
Calculates the administration fee	MHSP

MONITORING AND EVALUATION			
Object	Subject	Responsible Institution	Institution Imposing Penalties
Preservation of hygiene and public health; Fire protection;			
Physical maintenance of interior environments, facades, surrounding environments, which are part of the condominium act, as well as civic behaviour in these environments.	Administrator	LGU	Local Inspectorate
Preventing administrative offenses, strengthening, inspecting and monitoring the implementation of regulations and acts of LGU	All subjects	Municipal Police	Municipal Police

6. FINANCIAL ADEQUACY OF FUNCTIONS

6.1 FINANCIAL ADEQUACY PRINCIPLE

The European Charter for Local Self-Governance states the right of the local self-government for adequate financial resources, based on the national economic policy. The financial resources of the local self-government are adequate when they are commensurate with the costs of fulfilling its responsibilities.

The Constitution of the Republic of Albania states the obligation of central government to provide the expenses for the execution of competences and tasks they delegate to the local government by law. Accordingly, the right for local self-governance is protected in court.

Law 139/2015 "On Local Self-Governance" recognizes financial adequacy as a fundamental principle of local self-government finances, and also as a principle of the exercise of functions.

- I. *As a principle of local self-government finances*, national financial policies guarantee the financial adequacy of LGUs, article 34/1. The following cases are recognized:
 - *functions delegated from the central government* are always accompanied by the necessary financial means for their realization, article 34/2;
 - *in case of change of the national fiscal policy* which cause the levels, rates or base of the local taxes, or the share of the local self-government in national taxes to lower, the Ministry of Finance must take measures to compensate the loss, article 34/5.

LGUs exercise functions according to national and regional policies, and according to national standards and norms defined by law from the central government.

- II. *As a principle of the exercise of functions of the local self-government*, where local self-government units do not have sufficient financial resources and means to achieve national standards and norms set by the central government, the latter provides them with the necessary financial support, article 22/3. The following case is recognized:
 - *for functions delegated from the central government*, the latter ensures adequate means and financial resources to exercise them in the manner and the standard level which is defined by law.

According to the above, law 139/2018 "On Local Self-Governance" determines the adequacy of financial resources for functions of the local self-government to be dependent on national legal standards and norms; while not to be commensurate to the cost for their exercise or fulfilment the functions. On the other hand, the law provides no definition of what are national standards and norms of exercising a function.

6.2 REGULATION OF THE FINANCIAL ADEQUACY PRINCIPLE

Law 68/2017 "On Local Governance Finance", in line with law 139/2015, aims to ensure and regulate the adequacy of the financial resources of the local self-governance units for exercising their functions.

- III. *As a principle of fiscal autonomy*:
 - functions transferred or delegated to the LGUs, as well as the definition of a new na-

tional standard of functions, shall always be accompanied by the necessary financial resources for exercising them.

- when the central government lowers or abolishes taxes and tariffs, LGUs are fully compensated, through the increase of the unconditional transfer, shared taxes, the transfer at the local level of a national tax or combinations of these.

Apart from the above basic regulation, in the following paragraphs a closer look is given to law 68/2017, specifically to the methodology historically and currently applied for determining the amount of central government transfers, which are the main instrument of the financial support given to the local self-government.

6.2.1 FINANCIAL ADEQUACY OF OWN FUNCTIONS FINANCED FROM THE UNCONDITIONAL TRANSFER

In order to guarantee the necessary financial resources for the exercise of the own functions, law 68/2017 stipulates that the total annual amount of funds to be allocated between local government units through the unconditional transfer may not be less than 1% of the GDP; in any case, it may not be less than the total amount allocated in the previous year.

Therefore, the size of the unconditional transfer for the own functions of the local self-government is not determined as being commensurate with their cost, nor dependable on the legal standards for exercising them.

According to MFE data, the size of the unconditional transfer for the own functions of the local self-government is determined based **on the historical cost** of fulfilling these functions by the ministries responsible before the first decentralization reform undertaken following the political and economic reforms of the country after 1990.

The historical cost items have included:

1. human resources (wage, social security and health insurance)
2. operations
3. capital investments

In the time period after the last decentralization reform, 2016-2018, the historical costs have continued to be the only basis used by the Ministry of Finance and Economy to estimate the costs of the own local self-government functions.

6.2.2 FINANCIAL ADEQUACY OF NEW OWN FUNCTIONS

Further, in order to guarantee the necessary financial resources for the exercise of functions, law 68/2017 states that every transfer of new functions from the central to the local self-government shall be accompanied by the increase of financial sources commensurate with their costs. Specifically, the costs are calculated by the central government authority responsible for the function that is transferred based on the annual expenditures performed by them in the last three years before the transfer.

According to the above, the law states that the size of the financial resources for new transferred functions shall be commensurate with the cost of exercising them; however, the cost is not determined in relation to the legal standards of their exercise but as the average of the central government expenditures of the last three years. These expenditures should be correspondent to a certain level of standards achieved by the central authorities which is not necessarily the level required by law.

In law 139/2015, new functions have been given to the local self-government, which in the old law on local self-governance have been shared functions with the central government. These functions are:

- Construction, rehabilitation and maintenance of buildings of the pre-university and pre-school education system;
- Construction, rehabilitation and maintenance of primary health care facilities;
- Construction of centres for the provision of local social services;
- Environmental Protection;
- Protection of nature and biodiversity;
- Administration of centres and other services in the field of public health;

The above new functions are not part of the group of functions financed through the specific transfer, according to law 68/2017 “On Local Self-Governance”; consequently, they should be part of the financing through the unconditional transfer.

On this basis, according to the data provided by the MFE, throughout the 2016-2018 period:

- a. construction and rehabilitation:
 - i. of educational buildings of pre-university and pre-school education system,
 - ii. of primary health care facilities,
 - iii. of the centres for the provision of local social services,

has been carried out at the central government level through competitive grants and regional development funds; therefore, these functions are de facto still being exercised at the central level even though they are the responsibility of local self-governance;

- b. maintenance:
 - i. of the buildings of the pre-university and pre-school education system,
 - ii. of primary health care facilities,

has been carried out continuously through own local self-government revenues and through unconditional transfer; the historical cost of exercising these functions by line ministries responsible for them at the beginning of decentralization reform in the country, has remained the basis for the estimation of the necessary maintenance costs for these buildings;

- c. the protection of the environment, nature and biodiversity have not been funded by the central government during 2016-2018. At the same time, the local government does not generate revenues from taxes, fees or other sources that might be directly related to the exercise of this function; in particular, the imposition of penalties for air, water, soil or acoustic pollution, according to the sectorial legislation, is not a competence of the local self-government;
- d. the management of other centres and services in the field of public health, from their definition as their functions and throughout the period 2016-2018, have not been funded by the central government.

6.2.3 FINANCIAL ADEQUACY OF TRANSFERRED FUNCTIONS FINANCED BY SPECIFIC TRANSFERS

Law 68/2017 determines the financing of a new set of new functions transferred to local

self-governance units with specific transfers for a transitional period until the definition of an alternative and sustainable funding scheme.

As a case of transferring new functions, the size of the specific transfer, calculated for each unit of local self-governance, is at least the average annual total expenditures that the central government has carried out for the same function in the last three years before the transfer. The level of standards corresponding to the historical cost should be the level reached by the central government over the three years, which is not necessarily the one required by law.

Law 139/2015 on local self-governance has transferred several new functions, for which financing specific transfers have been allocated to LGUs. The transferred functions are:

- Protection and rescue from fire;
- Rural streets;
- Administration of forests;
- Administration of centres for the provision of local social services;
- Pre-school education - education staff and non-education staff;
- Pre-university education - non-education staff;
- Irrigation and Drainage;

According to MFE data, over the period 2016-2018 these functions have been financed through a specific transfer, the size of which is determined at the historical cost of exercising these functions. The centres of these historical costs have included:

1. human resources (wage, social security and health insurance)
2. operations
3. capital investments

This way of financing will continue in 2019, while in the draft law "On the 2019 budget" specific transfers are renamed as unconditional sectorial transfers.

6.2.4 FINANCIAL ADEQUACY OF DELEGATED FUNCTIONS FINANCED BY CONDITIONAL TRANSFERS

Also, in order to guarantee the necessary financial resources for the exercise of delegated functions, the size of the conditional transfer is based on the cost of exercising the function by the central government authorities before its delegation and in the level of standards achieved by them in the last year.

Functions are delegated in a regional level to the local self-governance through sectorial legislation. Conditional transfer is foreseen to finance these functions. Delegated regional functions are:

- Administration and protection of agricultural land

According to MFE data, the size of the conditional transfer is the historical costs of the function exercised by the responsible line ministry before the delegation.

6.2.5 FINANCING OF TRANSFERRED FUNCTIONS 2019-2021

Funding of the transferred functions for the period 2016-2018 is made through specific transfers. For 2019, it is planned to return specific transfers to an unconditional sectorial transfer, as foreseen by law 68/2017.

According to MFE data, the sectorial part of the unconditional transfer for these functions is not distributed according to the formula of the latter set forth in Article 24 of Law no. 68, dated 27.04.2017, "On Local Finances of Local Self-Governance". The base of the calculation remains the historical cost of the transferred functions.

The exception is only the function of administering the pre-school education system in kindergartens, for which, with the budget of 2019, a reform is undertaken to fund this service on the basis of a new standard: the number of children; this standard is expected to improve the service performance provided by local self-governance units by adapting the number of educators to smaller groups of children.

6.2.6 FINANCIAL PLANNING FRAMEWORK OF LOCAL SELF-GOVERNANCE FUNCTIONS

Following the above regulation, in order to estimate the amount of financial resources of local self-government which are adequate for exercising functions, the functions' cost and methodology of calculation/estimation or evaluation is the key component. In this regard, the program of medium-term budget expenditures for the functions of local self-government, regulated by law 68/2017 and instruction no. 23, date 30.07.2018, constitutes the only analytical structure of local self-governance units and MFE to estimate or calculate the cost of exercising each of the functions.

However, the following paragraphs go closely into the alignment of law 139/2015, which recognizes and basically regulates the financial adequacy principle, and law 68/2017, which further regulates it and also of the local self-government financial planning system.

As stated above, according to law 139/2015, local self-government units exercise their functions on the basis of:

1. national and regional policies,
2. national (minimal) standards and norms.

LGUs also administer the functions through a performance administration system, which is to be set up on the basis of national and local (minimum) standards and norms and system of performance indicators.

According to law 68/2017 and instruction no. 23, date 30.07.2018, each local self-governance unit drafts the strategic development plan / local master plan based on strategic national and regional development plans, sectorial and cross-sectorial, by the areas of responsibility.

This strategic development document is implemented through the mid-term budget program of the unit, where the necessary expenditures are organized and planned by expenditure programs for a function or group of functions.

Functions' expenditure programs have **purpose** and **objectives** in line with the unit's strategic development document, and include LGUs' estimation of the cost of the **activities** for their fulfilment. The programs contain **performance indicators** of the unit towards meeting the goals and objectives during the mid-term planning period

The legal standards and norms of a function *may* serve as a performance indicator of its midterm budget program, among also other alternatives. Also, each program shall provide information on the legal standards and norms along with their level of achievement through the program implementation.

In the above financial planning framework of local self-government functions, the relation of the cost of exercising a function to (i) the respective national legal standards and norms and (ii) the performance indicators of the midterm budget expenses of the function's program is

key for the estimation of the amount of the adequate financial resources for exercising it.

Consequently, the extent at which the legal standards of a function are included in the calculation of the cost of its exercise through the expenditure program is unclear and not straightforward; legal standards do not necessarily constitute performance indicators of the program. At least, legal standards of a function will be included in its cost at the extent that the purpose and objectives of the program constitute or derive from the legal standards of the function; therefore, they will be the basis also for the performance indicators of the program.

In total, this local financial planning framework is directed from national and regional policies, however, it is not clear how and to what extent it is directed from the national standards and norms, while both constitute the basis for the exercise of functions, according to the respective principle in law 139/2015.

As long as a definition of national standards and norms of a function of the local self-government is missing, their relation with national and regional policies cannot be defined. Therefore, the local financial planning framework does not have a unified and clear direction, which may allow for the estimation of the amount of financial resources which are adequate for the exercise of local self-government functions.

It is worth noting that a local financial planning framework with a clear direction of functions' purpose and objectives is important not only for the estimation of the amount of the financial resources which are adequate for their exercise, but at first it is important for providing a clear direction also to the administration of the functions for LGUs, which improves their effectiveness.

6.2.7 FINANCIAL ADEQUACY RELATED TO CENTRAL GOVERNMENT FISCAL POLICY

148

According to MFE data, over the last decade many interventions and changes have been made in the laws on local taxes and fees, which have influenced the continuous change of revenues for local self-governance units and at the same time have had an impact on lowering predictability of local budgets. Also, the changes have had some effects in terms of local tax and tariff administration. Frequent changes have increased the costs of tax administration and local tariffs, and have also influenced the promotion of fiscal evasion at the local level.

Small business tax: base, level and small business tax administration over the past 12 years have undergone frequent changes.

Interventions in tax administration are as follows:

Until 2007, the tax is collected by the central administration and revenue have been transferred to local self-governance units; 2007 to 2014 this tax was collected by the local self-governance units; 2015 and ongoing taxes are collected by the central administration and the proceeds are transferred to the local self-governance units.

Interventions at the base and the tax level are as follows:

- At the end of the 2005 was enacted law no. 9432, dated 13.10.2005 "On an amendment to law no. 8978, dated 12.12.2002 "On Local Taxes for Small Business", as amended by law no. 9327, dated 6.12.2004, where the level of local tax on small business was halved. As a result, revenues from this tax that passed on to the local self-government for 2006 decreased by 1,561 million ALL.
- In 2013, Law 181/2013 was passed, whereby from January 1, 2014, the small business reduced the profit tax from 15% to 7.5%, and the restriction on tariff setting was lifted.
- The effect of this measure is estimated at 666 million ALL less for local self-gover-

nance.

- By Law 142/2015, “On Amendments and Additions to Law no. 9632, dated 30.10.2006, “On the Local Tax System”, amended, these changes took place:
- The simplified profit tax for taxpayers with an annual turnover of 0 to 5 million ALL is 0 ALL per year;
- The tax rate applicable to taxable profit for taxpayers subject to simplified tax on small business income with annual turnover ranging from ALL 5 to 8 million is 5%.
- The financial effect of this change starting from January 1, 2016 and onwards is estimated at ALL 1,300 million, which has been compensated.

By law no. 10117, dated 23.04.2009 “On some amendments to Law no. 9632, dated 30.10.2006 “On the Local Tax System”, amended, made changes that violated the local fiscal authority by significantly reducing local discretion in imposing certain taxes and limiting the fiscal burden from some other local taxes to no more than 10% of the indicator level of the small business tax. These changes have had an impact on the local budget in reducing revenues to about ALL 2 billion, which has been compensated.

By DCM no. 502, dated 16.04.2008, “On the dormitories of pre-university education system”, amended in 2009 switched to local responsibility the administration of dormitories of 9-year education and secondary education. This responsibility was passed by the Ministry of Education to the local self-governance units. The source of funding that was transferred to this period in local government units was about 40% of the cost of providing this service. According to a rough estimate for this function, about ALL 1 billion have not been transferred to local government units.

As a result of these changes, 3,793 million ALL were collected and transferred to the local budget, coming from the taxes of small businesses at the end of 2005. Meanwhile, in the budget of 2019, it's foreseen that 640 million ALL are to be collected from this tax and are to be transferred to the LGU 's. Thus, in a timeframe of the last 12 years, the local government lacks 3,153 million ALL from this tax, and compared to 2005 it only receives 16.8% income which are not compensated to local self-governance units.

Drinking water function: In the time when the responsibility for this function lied in the central government, before the first decentralization reform, the sum of subsidies amounted to 2 billion ALL, while today it's only 400 million ALL. A lack of funding of 1,600 million ALL is thus identified from this function.

Other Functions: Also, for some functions that have been granted by law, no source of funding has been transferred. Among these functions are mentioned: tourism, economic development, civil emergencies and security at the local level.

Since year 2015, according to law 9948, date 07.07.2008 “On the legal validation of titles of ownership of agricultural land”, amended, LGUs have the delegated function to complete the acts of ownership of agricultural land; they report monthly to the prefect of the region on the progress of the process. For this function, which exercise demands considerable field human resources, no means or financial resources have been provided from the central government.

Investment needs for the functions of local self-governance over the years have been covered through various schemes such as: (i) first-time competitive grants, and (ii) the development fund of the regions, where decision-making was dominated by central authorities. Since the financial bill inherited by the line ministries has been determined, the investment needs have remained underfinanced. Although under these schemes many funds have been provided and have supported many investment projects at the local level, this scheme has been at the centre of the criticism of the local self-governance units and various international monitoring

bodies for Albania.

Overall, from the first decentralization reform in the country, the estimated financial effect of changes in national fiscal policies and the transfers of functions, which is not financed or not compensated to the local self-governance units, is about ALL 8 billion.

6.3 THE PROTECTION IN COURT OF THE RIGHT TO ADEQUATE FINANCIAL RESOURCES

The Constitution, according to articles 112 and 113, law 139/2015 “On Local Self-Governance” and law 68/2017, are the main legal instruments of local self-government to protect in courts the right to sufficient financial resources from the central government. On the other hand, the uncertainty regarding the quantitative determination of adequate financial resources in this legal basis really hinders LGUs to defend the right.

6.4 ONGOING PROJECTS OF LOCAL FINANCIAL ADEQUACY

The project “Strengthening Subnational Public Financial Management in Albania”, funded by the Swiss Government in cooperation with the Ministry of Finance and Economy, aims to develop public finance management at the local level aiming at realizing the adequacy of the financial resources of the local self-governance units for exercising functions.

The “Strong Municipality” project funded by the Swiss Government in cooperation with the Ministry of Finance and Economy aims to analyse and standardize some of the services and functions of local self-governance so that for these functions it is calculated the cost of meeting the standards.

The Minister of Finance and Economy is in the process of drafting and adopting a guideline for the performance indicators for each program - not less than two compulsory and unified performance indicators, pursuant to Law 68/2017. The guidance will be drafted and approved by 2019.

Findings

In the European Charter on Local Self-Government, as well as in the Albanian legislation on local self-governance, the principle of financial adequacy of own and delegated functions of the local self-government is regulated only by the criterion of financial resources commensurable to the cost of exercising the functions. Consequently, the fulfilment of this principle from the central government is dependent on the methodology for calculating or evaluating the cost of exercising the functions.

Unlike the Charter, law 139/2015 determines the adequacy of financial resources to be dependable on the legal standards and norms required for exercising the functions of local self-government, which, in turn, must be included in the functions cost. This definition is not fully reflected in law 68/2017, where the necessary financial resources reach the level of the historical cost of exercising functions from the central government before their decentralization; into the historical cost, the level of legal standards and norms is not necessarily the one required by law. This means that, in comparison to law 139/2015, law 68/2017 reduces the potential amount of financial resources which are adequate to be financed from the central government for local self-government.

Law 68/2017 “On the finances of local self-government” does not state that the size of the unconditional transfer for own functions of local self-government shall be in proportion to the cost of exercising functions, nor dependable on the legal standards of their exercise.

Law 139/2015 provides no definition of what are national standards and norms of exercising a function. Most importantly, their relation with national and regional policies is not defined. This definition is important considering that both are basis of the principle for exercising a function given in the law, while only standards and norms are criteria for the principle of financial adequacy.

The way of ensuring the fulfilment of the principle of financial adequacy of local self-government functions through the mid-term budgeting system of the LGUs is not clear. In particular, it is not clear the extent at which legal standards and norms of a function are included in the calculation or estimation of its cost through the expenditure program.

The financial planning framework of the local self-government functions, therefore, of their administration too, does not have a unified and clear direction, which may allow for the estimation of the amount of financial resources which are adequate for the exercise of the functions; it is directed from national and regional policies, however, it is not clear how and to what extent it is directed from the national standards and norms.

Through the mid-term budgeting system of the local self-government functions, the main information about the cost of exercising functions comes from the calculations and estimations of the local self-government administration itself, while there are no direct instruments of the MFE to carry out these calculations and estimations.

Central government reports, as required by law 68/2017 “On the finances of local self-government”, articles 26 and 27, which are to provide information (and be consulted in the Consultative Council) on the currently achieved standard of a function across LGUs, have never been prepared until today.

Recommendations

Recommendation [94]: It is recommended that a definition of national standards and norms of a function of the local self-government be provided in law 139/2015; most importantly, it is recommended that their relation to the relevant national and regional standards be defined.

Recommendation [95]: It is recommended to amend instruction 23, date 30.07.2018 of law 68/2017, clarifying the way legal standards and norms of exercising a function are included in the mid-term budget expenditure program for the function and its cost. Specifically, it is recommended that a unified direction be given to the local financial planning of LGUs along the cycle: national and regional policies of a function – national standards and norms of the function – purpose and objectives of the expenditure programmes for a function – performance indicators of the expenditure programmes.

Recommendation [96]: It is recommended to draft the financial reports as required in articles 26 and 27 of law 68/2017 “On Local self-government finances”.

Recommendation [97]: It is recommended that a methodology of the estimation of local revenues be estimated, which should support the estimated adequate financial resources.

Recommendation [98]: It is recommended that fiscal policies and the transfer of new responsibilities with financial consequences on the local self-government activity be accompanied always with a detailed financial bill, along with the transparent method of calculation of the bill.

Recommendation [99]: It is recommended to elaborate the procedures and methods for the transfer of functions at the local level, through the consultative structures of the local and central government.

Recommendation [100]: Based on law 139/2015, article 34, point 5, it is recommended that the MFE draft a financial plan for the compensation of the loss in local self-government

revenues as a consequence of national fiscal policy changes over the years.

Recommendation [101]: It is recommended that, after a 2-3 year period of implementation of the law on local self-government finance, a thorough analysis of local public financial management be carried out, planning possible amends and changes to relevant legal and sub-legal acts.

Recommendation [102]: Considering the monitoring role of the municipal council as defined in law 139/2015, it is recommended that municipal councils develop human capacities for contributing (through the Consultative Council instrument) to quantitative analyses of the state of local self-government financing, and of legal initiatives of the central government impacting the adequacy of local financial resources – transferring and delegation of functions, changes in the national fiscal policy. Specifically, it is recommended that human capacities of the municipal councils be developed on the principle of local self-government autonomy and its regulation, as well as its implementation in relation to each of the functions according of law 139/2015.

7. CONCLUSION OF THE ANALYSIS

7.1 SUMMARY OF LOCAL GOVERNMENT AUTONOMY

Through the distribution of the activities of administration and regulation of each of the functions of local self-government concerning the two levels of government, both central and local, we can establish the concentration of responsibilities for government units.

Thus, local self-government is generally not characterized by the competencies of regulating its functions, which is largely focused on the central government, and mainly on the Council of Ministers; essential regulation of functions from local self-government is only reflected in the function of local public transport as well as in the administration and regulation of the pre-school system in nurseries.

Regarding the administration of the functions, an uneven distribution of responsibilities between the two levels of government is observed, depending on the sector.

Functions of local self-government units which have historically been under their responsibility, are found to be heavily centralized, to mention one of the most important functions of LGUs, production, supply of drinking water and wastewater (Article 23/1 /2). The central government, in addition to the main regulations, also determines the way of exercising the function.

Also, the administration and regulation of kindergartens is not at all a competence that can be considered as an own function of LGUs. All the regulations and main part of the administration of this function are still carried out by the central government.

Collection, removal and treatment of solid household waste (article 23/10), as one of the functions historically under the responsibility of the LGUs has undergone centralization elements, taking away the competences of definition of the service fee from the LGUs.

It is noticed that some of the new transferred functions of LGUs, are regulated in more appropriate autonomous way. It's worth mentioning the function of guaranteeing the firefighting service (article 29/2), administration of the infrastructure of irrigation and drainage (article 27/1), as well as the administration of the forestry and pasture fund (article 27/5).

At the same time, many new functions of local self-governance are not yet supported with the necessary legal amendments, making it difficult to exercise the functions of LGUs. It is worth mentioning the function of administration and protection of agricultural land, where local government units are still dependent on the regional councils that have the main competencies for the implementation of this function (inspection and taking decisions for taking measures from LGUs).

The protection of nature and biodiversity (Article 27/6), closely related to administration, protection of agricultural land, forestry and pasture management, has not reformed in any way to reflect the specific areas of responsibility of LGUs, in line with modifications made in sectorial legislation for Forestry and Pasture Services.

One of the functions that can be considered not implementable from LGUs is the function of managing grants for agriculture and rural development (Article 27/4). Sectorial law provides that Banking Agency as the institution exclusively responsible for managing grants in this area.

The lack of necessary legal acts to facilitate the implementation of functions by LGUs is reflected in the function of collecting and removing rainwater and flood protection in residential areas (Article 23/3), construction and administration of social housing (Article 24/2), the whole culture area (Article 25/1/2/3), creation and administration of the local information and

agricultural and rural information system (Article 27/3). Also, the functions building primary health care facilities and the management of public health centres (Article 23/13) need legal amendments in relation to their planning, to make these functions essentially feasible.

- Area of infrastructure and public services

Production, treatment, and supply of drinking water, as well as collection, removal and treatment of wastewater

This function remains at the same level of centralization as before, is presented as entirely regulated from the central institutions, the activities of planning are designed and implemented by MIE, as well as organization of activities is regulated by DCM no. 63, dated 27.01.2016, and DCM no. 1304, dated 11.12.2009, where its specified the organization of function through J.S.Cs.

The competences of LGUs are limited and consist of (i) the obligation of entities to establish facilities for measuring water consumption, (ii) monitoring of activities that cause water pollution, entities involved in their treatment and cleaning, as well as (iii) monitoring Wastewater-Sewerage J.S.C. regarding standards of work, quality, efficiency, and continuity of services, prices, tariffs and other service conditions. For the implementation of national norms and standards, defined in the relevant legislation, the central institutions do not have the competence to oversee this function by the LGUs, but directly oversee Wastewater-Sewerage J.S.C.

Collection and removal of rainwater and flood protection in residential areas

In this function, the main problem lies in the separation of responsibilities of flood protection between LGUs and integrated water management bodies. It is needed the drafting and approval of the DCM that defines flood risk management plans and rules, also sharing responsibilities between the involved institutions, enabling the implementation of the function properly.

Public Lighting

The change of public procurement rules by specifying in the Documents of procurement procedures of equipment or products that have a direct or indirect impact on energy consumption would make possible to achieve energy efficiency in compliance with the Law on Energy Efficiency. By completing the legal framework, the quality of service and better management of financial resources would be increased due to the higher life expectancy of products that affect energy efficiency.

Collection, removal and treatment of solid household waste

Law No. 10463, dated 22.09.2011 "On Integrated Waste Management", amended, provides for the Integrated Waste Management Service to be fully regulated by describing all the necessary processes for service delivery. At the same time Law No. 8094, dated 21.3.1996 "On the public disposal of waste", regulates several aspects of Integrated Waste Management by LGUs, respectively collection and removal and transportation of waste.

Law No.8094 has different terminology from law No.10463 which do not comply with the terminology of the EC Framework Directive 2008/98 on waste. The provisions of Law 10463, Law 8094, determine the ownership of LGUs' waste and the LGU's obligation to conclude contracts with private operators for service delivery. Mandatory binding of contracts with private operators should be a discretionary power of LGUs as an authority exercising its function autonomously, not as a mandatory competence for them, therefore it is necessary to repeal Law No. 8094, dated 21.3 .1996 "On the public disposal of waste", the determination of waste ownership for LGUs, the establishment of the tariff of this service by the LGUs and other necessary provisions of this law are added to the law no.10463, dated 22.9.2011 "On integrated waste management ", as amended.

DCM No. 608, dated 17.09.2014, "On the necessary measures for the collection and treatment of bio waste as well as the criteria and deadlines for their reduction"; DCM 418/2014 "On the Separate Collection of Waste at source"; DCM 687/2015 "On the adoption of rules for the retention, updating and publication of waste statistics" regulate specific aspects of law implementation No. 10463, charge responsibilities, set targets and deadlines for their fulfilment, but are characterized by a joint specific with regard to the obligation of municipalities to establish a system with three containers for the differentiated collection of waste: in this context, these DCMs have not been implemented due to inconsistencies - the inability to implement and the lack of funding support for any act, responsibility or objective which they define ". In addition, these acts regarding the objectives and indicators for their realization and the deadlines set out in these acts in many cases have been exceeded by rendering them invalid. These acts need to be revised and updated regarding deadlines and revised target level of indicators according to objectives. Some of them are not in accordance with the law on Integrated Waste Management, so it is necessary to redistribute the responsibilities and especially the billing and funding sources for the actions they contain.

DCM no. 319, dated 31.5.2018 "On the adoption of measures for integrated waste management costs", pursuant to Article 20 of Law no. 10 463, in addition to the cost calculation appendix, also contains an appendix for calculating the tariffs, respectively Appendices 1 and 2 of the act. The annex for the calculation of tariffs exceeds the attributes given by Article 20 of Law No. 10463, which, in its points 1, 2 and 3, is subject only to costs by setting the methodology for calculating the fee, and forcing LGUs to its implementation indirectly determines the tariffs by violating LGUs autonomy. According to law no. 8094, dated 21.3.1996 "On the public disposal of waste" the attribute for determining tariffs remains with the LGUs.

Administration and regulation of the pre-school education system in kindergartens and nurseries

The education system in kindergartens is regulated by law no. 69/2012 "On the pre-university education system in the Republic of Albania", as amended. The administration of the function relating to the pre-school system in kindergartens is limited. LGUs are only responsible for organizational activities, whereas planning and regulating this function is fully carried out by the MESY. LGUs and Local Education Units are also jointly tasked with enrolling students in schools as well as providing education in public educational institutions.

Construction, rehabilitation and maintenance of primary health care facilities and development of educational and promotional activities at the local level related to health protection as well as administration of centres and other services in the field of public health

This function represents significant legal gaps in relation to the possibility of its implementation. General Regulation "On Contracting of Primary Health Care Services" issued in implementation of article 9, point 4 of the law no. 107, dated 30.3.2009 "On health care in the Republic of Albania", amended, with the purpose of regulating the organization and functioning of primary health care, fail to regulate the procedures for planning, financing and organizing the function of LGUs. For the construction, rehabilitation and maintenance of primary health care facilities, are needed the criteria's and procedures for opening, closing and rehabilitation of these buildings, building standards of these buildings.

Regarding the administration of centres for the provision of public health services, the responsibilities of LGUs and other institutions involved are not regulated in the legislation in force. LGUs currently do not administer any public health service providers.

- Area of social services

The establishment, in cooperation with the ministry responsible for social welfare, of the social fund for financing of services

For the procedures of the creation of the functioning of the social fund, DCM no. 111, dated 23.02.2018 "For the creation and functioning of the social fund" has been approved. In this DCM, are defined the financial resources for the establishment of the fund, while the manner of its functioning is not; explicitly it is not determined the (i) manner of distribution of the fund (the criteria) to the LGUs based on the respective budgeted social plans, (ii) the authority responsible for approving its distribution, (iii) the method of cooperation between central and local authorities for the administration of social funds. This DCM fails to fulfil its purpose.

Construction and administration of housing for social housing

Law no.22/2018 "For social housing", is not yet accompanied by the legal acts needed for its implementation. Also, the acts of the previous law have not left in power in the transitional provisions, by leaving this function currently non implementable in some components.

- Area of culture, sport and recreation services

Development, protection and promotion of cultural heritage values of local interest, as well as the administration of facilities related to the exercise of these functions

Law no. 27/2018 "On cultural heritage and museums" is the main law that regulates the functions of LGUs in the culture area. This law is not yet complemented by sub-legal acts for its implementation. In the part of the report of the above-mentioned function regulations, no sub-legal act is found approved. Thus, hindering its exercise.

- Area of environmental protection

Ensuring at the local level of measures for the protection of the quality of air, land and water from pollution

For ensuring measures for the protection of air, land and water pollution, the LGUs have no competencies for measuring, controlling and monitoring legal indicators, therefore, the execution of the function is limited.

Regarding natural or legal persons carrying out activities in its territory, LGUs have no competencies to impose penalties against offenders.

It is necessary to expand the competences of LGUs in relation to the provision of environmental protection measures, adding powers to carry out measurement, control, monitoring and imposing penalties.

- Area of agriculture, rural development, public forests and pastures, nature and biodiversity

Management and protection of agricultural lands and other resource categories, such as unfruitful land

Recent changes in sectorial legislation for this function were carried out in October 2014, prior to the adoption of Law 139/2015 dated 17.12.2015. Also these changes are not affected by the adoption of Law no. 115/2014 "On the Administrative-Territorial Division of Local Government Units in the Republic of Albania", as amended.

This function is found with a direct dependence of the LGUs from central institutions, even with a dependency from the regional council, thus violating the principle of local autonomy.

The regional council is still in charge of the technical and administrative direction of all state structures, by giving obligatory decisions to be implemented by the LGU. Regional Council carries out the inspection through LPI even though their structures has been substantially reduced, especially the staff of LPI.

It is necessary to amend the sectorial legislation, in order to transfer regional council attributes

to LGUs.

Establishment and administration of local grant schemes for agriculture and rural development, finance from the local budget and/or with co-financing from third parties, thus guaranteeing balanced gender access

This function is not regulated by sectorial legislation. The creation of programs for agriculture and rural development are exclusively administered by MARD, through the Payment Agency.

By acknowledging the Payment Agency as an exclusive body for the administration of programs, LGUs cannot apply this function in contradiction with the responsibility defined in law 139/2015.

Administration of the public forest and pasture fund

Law no. 9385, dated 4.5.2005 "For forests and forest services", amended, is not yet accompanied with some sublegal acts.

Regarding the monitoring of the activities of natural and legal persons carrying out activities on its territory, the LGU has no right to impose penalties against offenders. Forests and pastures structures, may only notify the forestry police about the offence, who then have the competence to impose penalties, in these conditions delays in taking measures and makes the protection of the funds ineffective.

Protection of nature and biodiversity

The sectorial law defines, all institutional bodies (local and central) as jointly responsible for the protection of biodiversity. Thus it brings ambiguity in the distribution of responsibilities, consequently also in the allocation of financial resources and means necessary for their function fulfilment.

Priority Level

Low

Medium

High



ANNEX A: FINDINGS AND RECOMMENDATIONS BY PRIORITY LEVEL

PRODUCTION, TREATMENT, TRANSMISSION AND SUPPLY OF DRINKING WATER (ARTICLE 23/1), AND THE COLLECTION, REMOVAL AND TREATMENT OF WASTEWATERS (ARTICLE 23/2)

FINDINGS & RECOMMENDATION				Monitoring and Evaluation	
Function Definition		Administration of the Function		PL	PL
Legal gaps	Legal gaps	Legal inconsistencies	Legal gaps	Legal inconsistencies	Legal gaps
<p>Law No.8102, dated 28 March 1996 "On the Regulatory Framework for the production, treatment, transmission and supply of drinking water", defines the term "water production" relating to all natural resources water within the territory of the Republic of Albania, including underground aquifers (springs) and all other underground and surface sources. This term is unclear, not exhaustive.</p>	<p>DCM no. 431, in point 13 / g defines NMSSWA responsible to support policy measures for the drafting and implementation of sublegal acts and procedures for the production, treatment, transmission and supply of drinking water by local government to the central one in cases of non-fulfillment of contractual obligations, in accordance with performance agreement, concluded between the parties. This prediction is in contradiction, with the main objectives of the Law No. 643, dated 14.09.2011, "On the approval of the national sector strategy of water supply and sewerage services" had the scope to fulfil its set out objectives within 2017. This sector does not have any more a strategy in place.</p>	<p>DCM no. 431, in point 13 / g defines NMSSWA responsible to support policy measures for the drafting and implementation of sublegal acts and procedures for the production, treatment, transmission and supply of drinking water by local government to the central one in cases of non-fulfillment of contractual obligations, in accordance with performance agreement, concluded between the parties. This prediction is in contradiction, with the main objectives of the Law No. 643, dated 14.09.2011, "On the approval of the national sector strategy of water supply and sewerage services" had the scope to fulfil its set out objectives within 2017. This sector does not have any more a strategy in place.</p>	<p>DCM no. 431, in point 13 / g defines NMSSWA responsible to support policy measures for the drafting and implementation of sublegal acts and procedures for the production, treatment, transmission and supply of drinking water by local government to the central one in cases of non-fulfillment of contractual obligations, in accordance with performance agreement, concluded between the parties. This prediction is in contradiction, with the main objectives of the Law No. 643, dated 14.09.2011, "On the approval of the national sector strategy of water supply and sewerage services" had the scope to fulfil its set out objectives within 2017. This sector does not have any more a strategy in place.</p>	<p>Law 8102, in article 14, provides that WRA has the competency for the encouragement of standards and uniform rules for all the sector. The term "encourage" creates ambiguity, because this WRA competencies might be considered non mandatory for LGUs.</p>	<p>PL</p>
<p>Recommendation [13]: The definition of the term "water production" made by law 8102 is not comprehensive, therefore it is recommended to define it more exhaustively. A definition for this term may be: "the entrenchment of processes including engineering design, development, implementation, operation and maintenance of water resources, including underground aquifers and all other underground and surface, until the product is extracted within the norms and standards set by sectoral legislation".</p>	<p>Recommendation [9]: It is recommended to revise, update and adopt the national sector strategy for water supply and sewerage services.</p>	<p>Recommendation [5]: It is recommended the abrogation of point 13 g of DCM/431.</p>	<p>Recommendation [9]: It is recommended to rephrase article 14 of the law 8102, in order to better define the competence of the WRA with an exhaustive interpretable term.</p>	<p>As it can be seen from the monitoring and evaluation scheme, there is no any authority based on its organic law for the provision of this function.</p>	<p>PL</p>
<p>Law 8102 does not define the term "transmission", this term is understandable of transportation and supply of drinkable water after production and treatment.</p>	<p>As a requirement of law no. 111/2012 "On integrated water resources management", as amended, CM is responsible for the proclamation of sanitary and hygienic protected areas for the protection of water resources, designated for the production of drinkable water. This decision is to be approved.</p>	<p>DCM No.1304, dated 11.12.2009 "On Approval of the Model Regulation" on Water Supply and Sewerage" in the addition of the joint decision for Water Supply and Sewerage" do not fulfilment of the law No. 111/2012 and therefore it is in violation with regard to the Article 118 of the Constitution of Republic of Albania (RA). Law No. 8102, dated 28 March 1996 "On the Regulatory Framework of the Water Supply and Disposal and Treatment of Wastewater" and strategies in the sector of water supply and wastewater removal and treatment there are no other dispositions in this law that entitles the CM the right to approve regulation on water supply and sewerage sector. Under these provisions, the CM has the authority to issue sublegal acts and to exercise its powers/responsibilities to local self-government units without the designation of law 139/2015 (Article 21 / 2.3) .</p>	<p>Recommendation [6]: It is recommended to abrogate DCM no. 1304, if necessary for an efficient performance of the PTTSDW and CMWT function, we recommend that these obligations have to be approved by the WRA. That is entailed by law to issues rules and regulations to facilitate municipalities – JSC in March 1996 "On the Regulatory Framework of the sector of water supply and wastewater removal and treatment" as amended. Also, it is to consider that some of the arrangements in this DCM, such as the way of organizing the administration of the government function by reorganizing some of the functions of the administration of the government function by reorganizing some of the functions of the law and of the article 32 "Administration of Public Services" as of the Law 139/2015.</p>	<p>Recommendation [9]: It is recommended that WRA as the primary institution responsible for monitoring this function, in addition to monitoring the WSS JSC responsibility for providing this service. This recommendation requires that WRA organic law, designs clearly the LGU competences on this function, as well as the right to manage the WSS providers in a method that is liberally established by LGUs</p>	<p>PL</p>
<p>Recommendation [2]: It is recommended to define the term "Transmission".</p>	<p>Recommendation [4]: The CM should proceed and take necessary measures to design and approve the required DCM.</p>	<p>DCM no. 653, dated 27.01.2016, "On the reorganization of the entities providing WSS service" has not come up as a requirement of the law and therefore is in violation of Article 118 of the Constitution RA; this DCM contradicts law 139/2015, as LGUs cannot be given other functions or competences which are not based on the law (Article 21 / 2.3 of Law 139/2015). The law 139/2015, as amended, does not allow the CM to violate the autonomy of the LGU for the right to establish the mode of administration of the function and contradict the provisions of Article 32 "Administration of Public Services" in Law 139/2015.</p>	<p>Recommendation [7]: As above is argued, it is recommended to abrogate DCM no. 653, dated 27.01.2016, "On the reorganization of WSS service providers".</p>	<p>In summary of the numerous recommendations encountered in this sector, as there is a lack of discrepancy in both administration, regulation and monitoring and evaluation, a new sectoral law can be considered reasonable.</p>	<p>PL</p>
<p>Recommendation [10]: It is recommended to draft and adopt a new sectoral law by clearly defining the responsibilities of the institutions involved, in a model similar to the law no. 43/2015 "On the Electricity Sector", as amended.</p>					<p>Recommendation [10]: It is recommended to draft and adopt a new sectoral law by clearly defining the responsibilities of the institutions involved, in a model similar to the law no. 43/2015 "On the Electricity Sector", as amended.</p>

COLLECTION, REMOVAL OF STORM WATERS AND PROTECTION FROM FLOODS IN RESIDENTIAL AREAS (ARTICLE 23/3)

FINDINGS & RECOMMENDATION			
Function Definition		Administration of the Function	
Legal gaps	PL	Legal gaps	PL
<p>There is no sector law regarding storm waters. The term "collection and removal of storm water" is not defined in the sectorial law.</p> <p>Recommendation [11]: It is recommended to define the term "collecting and removal of storm water" in the following way or in any other more technically appropriate method. This definition can be integrated in law 111/2012 "On Integrated Management of Water Resources", as amended.</p> <p>"Collecting and removal of storm water" refers to all the processes composing the system, which includes the collection and transmission infrastructure consisting of pipelines, collectors, control wells, buildings and structures as well as the mechanisms that serve to remove them to the designated location for their final discharge, separately and by excluding any combination with infrastructure designated to wastewater removal and treatment.</p>	PL	<p>Legal gaps</p> <p>Law 111/2012 "On Integrated Management of Water Resources", as amended on article 70 provides that CM, should approve the plans and regulation for flood risk management.</p>	PL
<p>Recommendation [12]: It is recommended to draft and approve this DCM, in compliance with article 70 of law 111/2012 "On Integrated Management of Water Resources", as amended. It is recommended that the DCM provides the definition of the terms, standards, institutions and instruments for planning and risk management. Also including monitoring and evaluation method of this function.</p> <p>There are no standards in place for the construction of the infrastructure for the collection and removal of storm water.</p> <p>Recommendation [13]: It is recommended that MIE, in accordance with its area of responsibility for setting standards, should adopt specific construction standards for "collecting and removal of storm water".</p>	PL	<p>Legal gaps</p> <p>In article 68, point 2 of law no. 111/2012 "On Integrated Water Resource Management", amended, there are simultaneously charges bodies of water resources management and administration and with LGU's for the prevention, coping and rehabilitating the state of flooding. Changing two governing bodies, at the same time, leads to ambiguity in the allocation of responsibilities and consequently ambiguity in the allocation of the necessary financial funds between them. Taking into account that flood protection is realized mainly through taking measures in water bodies, and interdependent actions through institutions, this unclear situation can bring difficulties and conflicts. Law no. 139/2015 "On Local Self-Government", in contrast with previous law, removes partition in its "functions" and "common functions". This change comes in line with the Constitution, which does not recognize the concept of "common function" between central government and local government. This practice has brought violations of autonomy to Lmnd</p> <p>Recommendation [14]: It is recommended the amendment of paragraph 2 of Article 68 of the Law no. 111/2012 "On Integrated Management of Water Resources", as amended, to clearly define the responsibilities of the organs responsible for the administration and management of water resources, as well as the responsibilities of LGUs.</p>	PL

CONSTRUCTION, REHABILITATION AND MAINTENANCE OF LOCAL ROADS AND STREETS AND ROAD SIGNING, SIDEWALKS AND LOCAL PUBLIC SPACES (ARTICLE 23/4)

FINDINGS & RECOMMENDATION	
Administration of the Function	
Legal gaps	PL
<p>Instructions on defining the norms for size, characteristics, location of advertising tools along the roads, parts belonging to the road and fuel service and fuel stations, is not approved by MIE.</p> <p>Recommendation [15]: It is recommended to draft and approve the missing instruction on “defining norms for size, characteristics, location of advertising tools along the roads, parts belonging to the road and fuel supply stations, as it is required by the legislation.</p>	
<p>Instruction on defining criteria’s for the drafting and the update of Urban and Interurban Traffic plans is not approved by MIE.</p> <p>Recommendation [16]: It is recommended to draft and approve the missing instruction for setting the criteria for the design and updating of Urban and Interurban Traffic Plans according to the legislation.</p>	

PUBLIC SPACE LIGHTING (ARTICLE 23/5)

FINDINGS & RECOMMENDATION

Administration of the Function

Legal gaps	PL	Legal gaps	PL	Legal gaps	PL
Instruction for the defining of technical construction standards for this function is not approved by MIE.		Law no. 124/2015 "On Energy Efficiency", in Article 9 provides the inclusion in the public procurement rules, of provisions that obligate the contracting authorities to specify in the procurement procedures documents of equipment or products having a direct or indirect impact on energy consumption, technical specifications, meeting minimum energy efficiency requirements as defined in the applicable energy consumption legislation and other sources of energy. No such changes have been made so far on the DCM no. 914, dated 29.12.2014 "On the Approval of Public Procurement Rules", as amended.		Regarding the public spaces lightning in the National Action Plan for Energy Efficiency, no relevant energy saving objectives are envisaged for big energy consumers.	
Recommendation [17]: It is recommended that MIE drafts and approves the missing instruction for the definition of technical construction standards of public lighting.		Recommendation [19]: It is recommended to draft and approve the abovementioned DCM.		Recommendation [21]: It is recommended to include and upgrade the National Action Plan on Energy Efficiency with targets related to the lightening of public environments as a sector that is defined essentially as a large consumer of electricity.	
DCM for the adoption of standards and norms, aimed above all to improve the energy efficiency of products and services, as well as improvements in buildings, is not approved by CM.		The DCM on the approval of categories, conditions and qualification requirements for the energy manager does not turn out to be approved.			
Recommendation [18]: It is recommended that CM approves the required DCM for the adoption of standards and norms of design, construction and operation of street and public space lighting system.		Recommendation [20]: It is recommended to design and approve the required DCM.			

LOCAL PUBLIC TRANSPORT (ARTICLE 23/6)

FINDINGS & RECOMMENDATION				
Administration of the Function				
Function Definition	PL	Legal gaps	PL	PL
<p>Legal gaps</p> <p>Local public road transport is not defined in Law 8308, dated 18.3.1998 "On Road Transport", as amended, but indicates that it includes urban and interurban transport;</p>	PL	<p>Legal gaps</p> <p>Law no. 8308, dated 18.03.1998 "On Road Transport", as amended, in article 85 foresee CM as the institution responsible for the definition of the measures, criteria and procedures for compensation of public transport tariffs for passengers with special features and who benefit from special laws. This DCM has not been yet approved.</p>	PL	<p>Inconsistencies</p> <p>Law no. 8308, dated 18.03.1998 "On Road Transport" has been amended several times over the years. These changes have led to the use of different terms for the same purpose. In the law are left general terms for regulation of road transport services without exhaustive forms. The law displays many ambiguities throughout its text, is not well structured in chapters and often has no clear references in transitioning from one article to another. Also in the law there are no definitions as "local public road transport".</p> <ul style="list-style-type: none"> - Article 14 of this law defines the Municipal Council as the responsible authority for determining the lines, organization, financing and deployment for the urban transport service, also in Article 35 of the same law, the Municipal Council is the authority responsible for determining the manner of organization and of the operation of the tax service. The terms used for funding organization and operation create ambiguity as they are unclear and exhaustive. - In Article 21/1 of its law, provides that the Municipal Council is designated as the responsible authority for determining the bus terminals locations. From the meeting with MEI specialists, this article implies that LGUs are also responsible for the construction and operation of bus terminals. - Article 23 simultaneously foresee the minister and the Mayor's, in case of natural disasters or in emergency cases, to meet the transport needs, order the temporary allow the exercise of the transport activity outside previously approved lines. From this article it is understood that it is necessary for the activity to be exercised outside the regular lines to be issued jointly by the minister and the mayor, while this competency is actually done respectively according to the scope of responsibility. - The Road Code articulates differently the terminology for urban, interurban or intercity transports.
<p>Recommendation [22]: It is recommended to define the term "local public road transport", in a manner that could make a clear distinction between own functions of LGUs and delegated functions.</p>				<p>Recommendation [23]: It is recommended to draft and approve the DCM to define the measures, criteria and procedures for compensation of public transport tariffs for passengers with special features and who benefit from special laws.</p>
<p>Recommendation [24]: It is recommended to draft a new law on road transport which is clear, uniform in the terminology expressed in all its provisions, the main terms to be defined, to be divided into chapters by topic, in consistency with the definitions of other applicable laws, and in particular to clearly define the regulatory authority and monitoring authority of the LGU.</p>				

CONSTRUCTION, REHABILITATION AND MAINTENANCE OF PUBLIC CEMETERY, AS WELL AS THE PROVISION OF THE FUNERAL PUBLIC SERVICE (ARTICLE 23/7)

FINDINGS & RECOMMENDATION

Administration of the Function

Legal gaps

PL

The Guidelines for determining the licensing criteria for funeral agencies are not approved.

Recommendation [25]: It is recommended that MIE to design and approve the Guidelines for determining the licensing criteria for funeral service agencies.

COLLECTION, REMOVAL AND TREATMENT OF MUNICIPAL SOLID WASTE (ARTICLE 23/10)

FINDINGS & RECOMMENDATION

Function Definition

Administration of the Function

Legal gaps	PL	Legal gaps	PL	Legal gaps	PL	Overlaps	PL		
<p>Law No. 10463, dated 22.09.2011 "On Integrated Waste Management", as amended, does not define the terms for collecting and removing solid municipal or other household and similar waste.</p> <p>This law does not lay down LGU responsibilities for collecting, removing and treating household waste and the like.</p>	<p>Pursuant to Law No. 10463, dated 22.09.2011 "On Integrated Waste Management", as amended, the CM need to approve the following acts:</p> <ul style="list-style-type: none"> - Specification of extended responsibilities of the waste producer; - Measures and methodology for design and approval of the National Plan for Integrated Waste Management; - Measures for designing and approving regional and local integrated waste management plans; - Rules on the guarantees to be provided in relation to environmental permits for landfills; - Rules and specifications for waste incineration, control procedures and monitoring; - Technical standards for waste treatment operations. 	<p>Some DCMs have been drafted and enforced in order to implement the law on 10 463. It is worth specifying some of them such as DCM no. 608, dated 17.09.2014, "On the necessary measures for the collection and treatment of bio waste as well as the criteria and deadlines for their reduction"; DCM 418/2014 "On the Separate Collection of Waste at source"; DCM 687/2015 "on the adoption of rules for keeping, updating and publishing statistics on waste". These acts address aspects of enforcing the law 10463, they charge responsibilities, set targets and deadlines for their fulfillment; all of them are characterized by a common feature, all together they charge municipalities with the establishment of a three-bin system for differentiated collection of municipal wastes. In response to these DCM, standards and targets they establish have not been implemented from municipalities due to their "inconsistencies - the inability of municipalities to implement and the lack of funding to support their implementation", in addition, regarding the objectives, targets to achieve and the deadlines as set out in these acts have been already exceeded, rendering them not implementable and not anymore valid.</p>	<p>DCM no. 319, dated 31.5.2018 "On the adoption of measures for calculating costs of integrated waste management ", pursuant to Article 20 of Law no. 10 463, in addition to cost calculation annex, also contains another annex that instructs municipalities for setting the service fee, respectively Annex 1 and 2 of the DCM. Annex 2 exceeds the attributes given in Article 20 of Law No.10463, which, in its points 1, 2 and 3, considers only the calculation of costs and not the setting of service tariffs.</p> <p>On the other hand, by defining the methodology for setting the tariff, it enforces the LGU to set the tariffs, which is an own authority of LGU. In this way, the determination of the tariff methodology affects LGUs' autonomy, since according to law no. 8094, dated 21.3.1996 "On public disposal of waste" and to the law 139/2015, the attribute for determining tariffs belongs only to LGUs.</p>	<p>Some DCMs have been drafted and enforced in order to implement the law on 10 463. It is worth specifying some of them such as DCM no. 608, dated 17.09.2014, "On the necessary measures for the collection and treatment of bio waste as well as the criteria and deadlines for their reduction"; DCM 418/2014 "On the Separate Collection of Waste at source"; DCM 687/2015 "on the adoption of rules for keeping, updating and publishing statistics on waste". These acts address aspects of enforcing the law 10463, they charge responsibilities, set targets and deadlines for their fulfillment; all of them are characterized by a common feature, all together they charge municipalities with the establishment of a three-bin system for differentiated collection of municipal wastes. In response to these DCM, standards and targets they establish have not been implemented from municipalities due to their "inconsistencies - the inability of municipalities to implement and the lack of funding to support their implementation", in addition, regarding the objectives, targets to achieve and the deadlines as set out in these acts have been already exceeded, rendering them not implementable and not anymore valid.</p>	<p>DCM no. 319, dated 31.5.2018 "On the adoption of measures for calculating costs of integrated waste management ", pursuant to Article 20 of Law no. 10 463, in addition to cost calculation annex, also contains another annex that instructs municipalities for setting the service fee, respectively Annex 1 and 2 of the DCM. Annex 2 exceeds the attributes given in Article 20 of Law No.10463, which, in its points 1, 2 and 3, considers only the calculation of costs and not the setting of service tariffs.</p> <p>On the other hand, by defining the methodology for setting the tariff, it enforces the LGU to set the tariffs, which is an own authority of LGU. In this way, the determination of the tariff methodology affects LGUs' autonomy, since according to law no. 8094, dated 21.3.1996 "On public disposal of waste" and to the law 139/2015, the attribute for determining tariffs belongs only to LGUs.</p>	<p>DCM no. 319, dated 31.5.2018 "On the adoption of measures for calculating costs of integrated waste management ", pursuant to Article 20 of Law no. 10 463, in addition to cost calculation annex, also contains another annex that instructs municipalities for setting the service fee, respectively Annex 1 and 2 of the DCM. Annex 2 exceeds the attributes given in Article 20 of Law No.10463, which, in its points 1, 2 and 3, considers only the calculation of costs and not the setting of service tariffs.</p> <p>On the other hand, by defining the methodology for setting the tariff, it enforces the LGU to set the tariffs, which is an own authority of LGU. In this way, the determination of the tariff methodology affects LGUs' autonomy, since according to law no. 8094, dated 21.3.1996 "On public disposal of waste" and to the law 139/2015, the attribute for determining tariffs belongs only to LGUs.</p>	<p>DCM no. 319, dated 31.5.2018 "On the adoption of measures for calculating costs of integrated waste management ", pursuant to Article 20 of Law no. 10 463, in addition to cost calculation annex, also contains another annex that instructs municipalities for setting the service fee, respectively Annex 1 and 2 of the DCM. Annex 2 exceeds the attributes given in Article 20 of Law No.10463, which, in its points 1, 2 and 3, considers only the calculation of costs and not the setting of service tariffs.</p> <p>On the other hand, by defining the methodology for setting the tariff, it enforces the LGU to set the tariffs, which is an own authority of LGU. In this way, the determination of the tariff methodology affects LGUs' autonomy, since according to law no. 8094, dated 21.3.1996 "On public disposal of waste" and to the law 139/2015, the attribute for determining tariffs belongs only to LGUs.</p>		
<p>Recommendation [26]: It is recommended that law 10463/2011 defines the terms and conditions of collection and removal and the LGU responsibilities for collecting, removing and treating municipal solid waste.</p>	<p>Recommendation [27]: It is recommended that MTE to design and approve the DCM for the specification of extended responsibilities of the waste producer.</p>	<p>Recommendation [28]: It is recommended that MTE to design and approve the DCM on the measures and methodology for design and approval of the National Plan for Integrated Waste Management.</p>	<p>Recommendation [29]: It is recommended that MTE to design and approve the DCM for on measures for designing and approving regional and local integrated waste management plans.</p>	<p>Recommendation [30]: It is recommended that MTE to design and approve the DCM on the determination of rules on the guarantees to be provided in relation to environmental permits for landfills.</p>	<p>Recommendation [31]: It is recommended that MTE to design and approve the DCM to determine the rules and specifications for waste incineration, control procedures and monitoring.</p>	<p>Recommendation [32]: It is recommended that MTE to design and approve the DCM to establish minimum technical standards for waste treatment operations.</p>	<p>Recommendation [33]: These acts need to be revised and updated regarding the timelines and reviewing the target level of indicators according to objectives as set forth in the draft National Strategy of Integrated Waste Management. Some of them are not anymore in compliance with the law 10,463, so it is necessary to reallocate the responsibilities and activate state budget supporting funds to finance achievement of targets.</p>	<p>Recommendation [34]: It is recommended to make additions to Annex 2 of this DCM, allowing LGUs to freely allocate tariffs.</p>	<p>Law No. 10463, dated 22.09.2011 "On Integrated Waste Management" as amended, recognizes only the Mayor as the responsible authority for the municipal solid waste management created within the territory of its LGU; this</p> <p>Recommendation [35]: It is recommended the amendment of article 21, point 12, to define the responsibilities of the LGUs relevant to integrated waste management.</p> <p>Law No. 8094 has a different terminology as compared from the Law 10463 which on the other hand complies with the terminology of EC Waste Framework Directive 2008/98. Over the provisions of Law 10463, the other law 8094 defines the ownership of LGU on municipal solid wastes and the LGU's obligation to outsource the service to private operators for the performance of the service. Compulsory outsourcing of service with private operators should be a discretionary only to the authority of LGUs as an authority exercising its function autonomously, not as a mandatory competence for them.</p> <p>Recommendation [36]: It is recommended to revoke the Law No. 8094, dated 21.3.1996 "On public disposal of waste", and transpose some of the items such as determination of waste ownership, determination of tariff for the service by LGUs and other necessary provisions of this law to the Law No. 10463, dated 22.9.2011 "On Integrated Waste Management", as amended.</p>

CONSTRUCTION, REHABILITATION AND MAINTENANCE OF PR UNIVERSITY FACILITIES, EXCLUDING THE PROFESSIONAL SCHOOLS. (ART. 23/11)

FINDINGS & RECOMMENDATION			
Function Definition	Administration of the Function		
Legal gaps	PL	Overlaps	PL
<p>Maintenance of buildings according to the definitions of terms as in the law no. 107/2014, dated 31.07.2014 "On the Planning and Development of the Territory" as amended, does not include the preventive maintenance activities and other measures for sanitation, storage, lighting, heating of buildings.</p> <p>In Albanian Language Dictionary maintenance is defined as follow:</p> <p>Take care about something (for a car, a gadget, a building etc.) to keep it in good condition, to extend the time of use, etc., keep it clean.</p> <p>According to this definition, preventive maintenance, provision of sanitary and sanitary conditions and maintenance of buildings may be maintenance activities, while lighting or heating activities of buildings should not be included in maintenance but may be defined as different operational activities.</p>	PL	<p>According to the criteria and procedures defined by DCM no. 662, dated 8.10.2014 "On the Establishment of Criteria and Procedures for Opening and Closing of Public Pre-University Educational Institutions" LGUs with a joint proposal of the local education unit proposes the construction of a new pre-university education system building</p>	PL
<p>Recommendation [37]: It is recommended clearly define the term "maintenance" with the purpose of distinguishing whether they are part of the function as defined in the law 139/2015, or the following competencies of the LGUs:</p> <ul style="list-style-type: none"> - Safeguarding educational institutions and their facilities; - Preservation of public education institutions; - Guaranteeing hygienic-sanitary and heating conditions in buildings; - Based on the proposals of the local education units and the teachers' councils, the LGU supports: (i) students of families in need; (ii) students with excellent achievements; (iii) staff of educational institutions for their professional development and curriculum development; (iv) Provide educational institutions with teaching tools, should be considered delegated competencies. 		<p>Recommendation [38]: Is recommended the amendment of DCM No.662, dated 8.10.2014 "On the Establishment of Criteria and Procedures for Opening and Closing of Public Pre-University Educational Institutions" to avoid sharing of competencies between central and local institutions and by defining only one responsible authority for proposing the opening of new public pre-university educational institutions.</p>	

ADMINISTRATION AND REGULATION OF THE PRESCHOOL SYSTEM OF KINDERGARTENS AND NURSERIES (ARTICLE. 23/12)

FINDINGS & RECOMMENDATION			
Administration of the Function			
Overlaps	PL	Overlaps	PL
<p>The education system in kindergartens is regulated by law no. 69/2012 "On the pre-university education system in the Republic of Albania", as amended, the administration and regulation that the law 139 charges LGUs is limited. LGU under Law 69/2012 is only responsible for some organizational activities, planning and regulation of this function is fully carried out by the MESY.</p> <p>Recommendation [39]: It is recommended to revoke the articles that regulate the function of administering and regulating pre-school education in kindergartens as in the law no. 69/2012 "On the pre-university education system in the Republic of Albania", as amended.</p>		<p>LGUs and local education units are jointly responsible for providing teaching equipment's for public educational institutions.</p> <p>Recommendation [41]: It is recommended to revoke letter d of item 4 of article 30 of Law no. 69/2012, dated 21.06.2012 "On the pre-university education system in the Republic of Albania" as amended, to waive the responsibility of the local education unit for this competence or revoke the letter ç of item 4 of Article 28 to waive the responsibility and avoid sharing of competencies between central and local institutions, and defining only one responsible authority on this area of competence.</p>	
<p>LGUs and local education units are jointly responsible for registering scholars in schools as provided by Law no. 69/2012, dated 21.06.2012 "On the pre-university education system in the Republic of Albania", as amended</p> <p>Recommendation [40]: It is recommended to amend article 28, point 3 of law no. 69/2012, dated 21.06.2012 "On the pre-university education system in the Republic of Albania" as amended, to avoid sharing of competencies between central and local government institutions and defining only one responsible authority with regard registration of pupils/students.</p>			

CONSTRUCTION, REHABILITATION AND MAINTENANCE OF PRIMARY HEALTH CARE FACILITIES AND DEVELOPMENT OF EDUCATIONAL AND PROMOTIONAL ACTIVITIES AT THE LOCAL LEVEL RELATED TO HEALTH PROTECTION, AS WELL AS ADMINISTRATION OF CENTRES AND OTHER SERVICES IN THE FIELD OF PUBLIC HEALTH (ARTICLE. 23/13)

FINDINGS & RECOMMENDATION			
Administration of the Function			
Construction, rehabilitation and maintenance of primary health care facilities			
Legal gaps	PL	Legal gaps	PL
<p>The General Regulation "On Contracting of Primary Health Care Services" issued pursuant to Article 9, point 4 of Law No. 10107, dated 30 March 2009 "On Health Care in the Republic of Albania", as amended, which is issued to regulate the organization and functioning of primary health care, does not regulate the responsibilities of LGU relevant competencies for construction, rehabilitation and maintenance of primary health care facilities, regarding planning, financing and organizing the service.</p>		<p>According to article 5, point 2, letter b of law no.10 107, , dated 30 March 2009 "On Health Care in the Republic of Albania", as amended, LGU's are responsible for the administration of health care facilities, which are owned by them. The term administration in this law is undefined and may be interpreted expansively or differently from the definition in Law 139/2015.</p>	
<p>Recommendation [42]: It is recommended that in the above regulation are clearly defined the procedures, planning patterns, funding and organization competences of these procedures, also by regulating the criteria and procedures for opening, closing and rehabilitation of primary health care facilities.</p>		<p>Recommendation [44]: It is recommended that the term "administration" of health care facilities as in Law No. 107 107 to be redefined and harmonized in accordance with the LGU responsibility for construction, rehabilitation and maintenance of these facilities, as defined in Article 23, point 13 of Law 139/2015.</p>	
<p>There is no legal act that sets the standards with regard to the construction of primary health care facilities</p>		<p>Pursuant to Article 5, point 3 of Law No. 107, LGU takes measures to provide health care services, in coordination with the MHSP. This function does not comply with the area of responsibilities foreseen by law 139/2015, therefore it is rather a delegated function. At the same time, the acts do not define concrete measures to be taken by LGUs to provide healthcare services.</p>	
<p>Recommendation [43]: It is recommended that construction standards of primary health care facilities should be drafted and approved.</p>		<p>Recommendation [45]: It is recommended that acts determine concrete measures to be taken by LGUs to provide health care services, as well as the provision of funds needed to fund these measures as delegated function.</p>	

FINDINGS & RECOMMENDATION

Administration of the Function

Administration of centres and other services in the field of public health

Legal gaps	PL	Legal gaps	PL
<p>Pursuant to Article 24 of Law No.10 138, dated 11.5.2009 "On Public Health" as amended, the functions of regional public health structures may also be implemented through specific projects, in cooperation with LGUs and with other participants in the public health system. On this basis the LGUs can exercise the activity of administering other public health services, in addition of promotion of health and health education.</p> <p>Regarding the administration of the centres for the provision of these services, the responsibilities of LGUs and other institutions involved are not regulated in the sectorial legislation in force.</p>		<p>According to information as in the MHSP official website, LGUs currently do not administer any public service delivery centre. Public health services are supported and supervised by IPH. In addition, providers of these services include several national institutions such as the National Blood Transfusion Centre, the National Centre for Health Care, Child Development and Rehabilitation and the University Dental Clinic. The only case of such a centre with the participation of LGUs for these services, is the case of a pilot project to establishing the Regional Health Authority (RHA) of Tirana that is carried out with a special DCM no. 394, dated 27. 7.2000 "On the Establishment, Organization and Functioning of Authority", as abolished by DCM no. 419, dated July 4, 2018 "On the establishment, manner of organization and functioning of the health care service provider".</p>	
<p>Recommendation [46]: It is recommended to regulate the responsibilities for the administration of centres for the provision of services in the field of public health because the legal basis in force does not specify LGUs as a responsible institution.</p>		<p>Recommendation [47]: Since many services offered from LGU need to rely on public health protection instruments and funds such as the provision and control of drinking water quality, monitoring sewage discharge, monitoring of municipal solid waste management as well as services of LGUs in the field of environment, land and biodiversity protection, it is recommended to develop a strategy for the establishment and the implementation of these centres with the participation of LGUs.</p>	

PLANNING, ADMINISTRATION, DEVELOPMENT AND CONTROL OF THE TERRITORY (ARTICLE. 23/14)

FINDINGS & RECOMMENDATION

Administration of the Function

Legal Gaps

PL

Amendment of higher hierarchy planning documents than the local general plan may bring the need for reviewing the latter, in order to harmonize development. Article 12 of the Decision of the Council of Ministers no. 686, dated 22.11.2017 "On the adoption of the territory planning regulation" sets out the procedure to be followed by the LGUs to carry out the review. Some of the procedures of this article, such as consultation and meetings with the public, are already met when designing the amendment of the highest hierarchy planning document.

Recommendation [48]: It is recommended to make additions of the article 12 of the DCM no. 686, dated 22.11.2017 "On the adoption of the territory planning regulation", defining therefore a more simplified procedure for revision of the general local plans.

DEVELOPMENT, PROTECTION AND PROMOTION OF CULTURAL HERITAGE VALUES OF LOCAL INTEREST, AS WELL AS THE MANAGEMENT OF FACILITIES RELATED TO THE EXERCISE OF THESE FUNCTIONS (ARTICLE 25/1) ORGANIZATION OF CULTURAL ACTIVITIES AND PROMOTION OF NATIONAL AND LOCAL IDENTITY AS WELL AS ADMINISTRATION OF THE OBJECTS RELATED TO THE EXERCISE OF THESE FUNCTIONS (ARTICLE 25/2) DEVELOPMENT, PROTECTION AND PROMOTION OF LIBRARIES AND READING FACILITIES, WITH THE PURPOSE OF GENERAL EDUCATION OF CITIZENS (ARTICLE 25/3)

FINDINGS & RECOMMENDATION				
Administration of the Function			Monitoring and Evaluation	
Administration of economic assistance to vulnerable groups and persons with disabilities				
Overlaps	PL	Overlaps	PL	PL
<p>The regional structures of SSS approve or refuse whether a family / individual in need is to be treated with economic assistance. These structures foresee to define the corresponding benefit measure. Also, the "Medical Commission for Definition of Work Capability", approves the beneficiaries for the disability payment. Meanwhile the DGM no.955, dated 7.12.2016 "On the determination of the criteria, procedures, documentation and the measure of the benefit of the economic assistance", defines the criteria and the measure of the benefit. These provisions make apparent that the role of the Municipal Council and / or structures near LGU is unnecessary and a bureaucratic addition to this feature, therefore no real authority is exercised from LGU.</p>		<p>The law "On the budget of 2019" in its article 16 provides that the administrative staff of the regional council cannot be more than 10 people, in the same disposition as the provisions of law no. 109/2017 "On the Budget of 2018". Also, by reviewing the organizational structures of some regional councils, in many of them there is no staff to carry the responsibilities for economic assistance services and disability payments. In terms of reducing human capacities these responsibilities are no longer realistically applicable at the regional council level.</p>		
<p>Recommendation [49]: It is recommended that the competencies of LGUs are abolished and to remain fully responsibilities of regional structures of SSS which in fact perform these competences directly.</p>		<p>Recommendation [50]: Regional councils are unable to implement these functions, it is recommended to abolish the responsibilities of regional councils for this function.</p>		
				<p>Article 41 of Law no. 9355, dated 10.03.2005 "On Social Assistance and Services", as amended, the Inspectorate for Economic Aid, Disabilities Allowance and Social Services, ascertains administrative violations by LGU structures and proposes to the Mayor to impose administrative measures on offenders. This form of regulation of the monitoring and evaluation process taken by the central bodies is ineffective in implementation, as the administrative measure remains at the proposal level.</p>
				<p>Recommendation [51]: It is recommended to change this article, the Inspectorate for Economic Assistance, the Disability Allowance and Social Services should exercise the right to establish directly administrative measures, closing the monitoring and evaluation cycle at the level of central bodies.</p>

FINDINGS & RECOMMENDATION

Administration of the Function

Administration of social care services and the construction and administration of centres for the provision of social care services

Legal Incontinences

PL

Article 47, point 4 of Law 121/2016 "On social care services in the Republic of Albania" provides that CM approves the procedures for establishing and functioning of the social fund, pursuant to this provision, the DCM no. 111 dated 23.12.2018 "On the Establishment and Functioning of the Social Fund.", has been approved. In this DCM, the financial resources for the establishment of the fund are determined, while the manner of its functioning is not, explicitly is not determined the (i) manner of distribution of the fund (the criteria) to the LGUs based on the respective budgeted social plans, (ii) the authority responsible for approving its distribution, failing to complete its purpose.

Paragraph 5 of this Article deals with the ways of providing social care services through non-profit organizations and private providers, under the condition that LGUs cannot provide these services through the social fund, surpassing its legal base and law enforcement. Also, this DCM does not specify (iii) the method of cooperation between central and local authorities for the administration of social funds, in accordance with Article 47, point 1.

Recommendation [52]: It is recommended the amendment of DCM no. 111 dated 23.02.2018 "On the Establishment and Functioning of the Social Fund", defining: (i) the method (criteria) of distribution of the Fund to the LGUs based on a respective budgeted social plans, (ii) define the authority responsible for approving the distribution of the fund; as well as (iii) the method of cooperation between central and local authorities for the administration of the social fund.

CONSTRUCTION AND ADMINISTRATION OF BUILDINGS FOR SOCIAL HOUSING (ARTICLE. 24/2)

FINDINGS & RECOMMENDATION

Administration of the Function

Legal Gaps	PL	Legal Gaps	PL
Law No.22 / 2018 "On social housing" is not yet accompanied by legal acts for its implementation, as well as acts of the previous law have not been left in force in the transitional provisions, leaving this function currently unenforceable in some components. The CM should approve the following DCM's:			
Recommendation [53]: It is recommended to design and approve the DCM to determine social housing norms and standards.			Recommendation [70]: It is recommended to design and approve the guidance on the manner of administration and maintenance of specialized housing.
Recommendation [54]: It is recommended to design and approve the DCM for determining the documentation to receive social housing, according to programs, deadlines and procedures;		In pursuance of this law, the MHSP approves the following acts: - Manner of administration and maintenance of specialized housing; - Determines the average annual cost of building social housing; - Conditions to be met by temporary shelters;	Recommendation [71]: It is recommended to design and approve the guidelines for determining the annual average cost of social housing construction.
Recommendation [55]: It is recommended to design and approve the DCM for the adoption of rules on administration of LGUs' requests for state budget funds on subsidizing the rent or usufruct, manners of financing, the state subsidy, monitoring and cooperation between LGUs and central bodies.		- The manner of application and the criteria for obtaining funds from the state budget;	Recommendation [72]: It is recommended to design and approve the guidance on conditions to be met by temporary shelter.
Recommendation [56]: It is recommended to design and approve the DCM to determine the criteria for granting lease subsidy through the state budget for specific categories, and the method for calculating the subsidy.			Recommendation [73]: It is recommended to design and approve the budget.
Recommendation [57]: It is recommended to design and approve the DCM to determine the conditions, norms and standards that must be met by social housing for renting purpose.			
Recommendation [58]: It is recommended to design and approve the DCM to determine the method for calculating the amount of rent payment.			
Recommendation [59]: It is recommended to design and approve the DCM for determining the rates and standards of low-cost housing, procedures for buying housing in the free market, evaluation and sales procedures, and the criteria for determining the sale price of land to families that benefit low-cost housing.			
Recommendation [60]: It is recommended to design and approve the DCM for the approval of exchange procedures for low-cost housing.			
Recommendation [61]: It is recommended to design and approve the DCM to determine the criteria for definition of beneficiaries from the program of land plot development for housing purposes, the manner of securing housing to the beneficiaries during the construction period, the form of ownership transfer for flat-rate of exchange quotas, for social housing by builders or owners, with the purpose to provide housing to beneficiaries who have been displaced from them.			
Recommendation [62]: It is recommended to design and approve the DCM for approval of exchange procedures, the manner of contracting the general terms and conditions of the contract for the construction of housing in land plots developed for social housing purpose, which will be implemented in accordance with the construction agreement for social housing, carried out by private entities, through public-private partnerships.			
Recommendation [63]: It is recommended to design and approve the DCM to determine the criteria, procedures and sufficient capacities to manage social, financial and technical issues from the public institutions that administer social housing.			
Recommendation [64]: It is recommended to design and approve the DCM for the approval of resettlement and inter-institutional co-operation procedures.			
Recommendation [65]: It is recommended to design and approve the DCM to determine the housing conditions for persons with disabilities.			
Recommendation [66]: It is recommended to design and approve the DCM to determine the cases and the way of cooperation between the central government and the LGUs for the establishment or increase of public fund for social housing.			
Recommendation [67]: It is recommended to design and approve the DCM for approval of procedures, criteria and priorities for immediate grant for social housing.			
Recommendation [68]: It is recommended to design and approve the DCM to determine the conditions and norms for the design of specialized housing.			
Recommendation [69]: It is recommended to design and approve the DCM to approve the procedures for the transition under the responsibility of the MHPSP to the state budget funds for the construction of social housing financed by the state budget funds and the LGU fails to meet the agreed obligation.			

DEVELOPMENT, PROTECTION AND PROMOTION OF CULTURAL HERITAGE VALUES OF LOCAL INTEREST, AS WELL AS THE MANAGEMENT OF FACILITIES RELATED TO THE EXERCISE OF THESE FUNCTIONS (ARTICLE 25/1) ORGANIZATION OF CULTURAL ACTIVITIES AND PROMOTION OF NATIONAL AND LOCAL IDENTITY AS WELL AS ADMINISTRATION OF THE OBJECTS RELATED TO THE EXERCISE OF THESE FUNCTIONS (ARTICLE 25/2) DEVELOPMENT, PROTECTION AND PROMOTION OF LIBRARIES AND READING FACILITIES, WITH THE PURPOSE OF GENERAL EDUCATION OF CITIZENS (ARTICLE 25/3)

FINDINGS & RECOMMENDATION

Administration of the Function

Legal Gaps	PL
<p>Law no. 27/2018 "On cultural heritage and museums" is the basic sectoral law that regulates the functions of LGUs in the field of culture by defining competencies. This law is not yet accompanied by sub-legal acts for its implementation. In the part of the report of the above-mentioned function adjustments, no sub-legal act under the responsibility of MC and MC does not result approved by bringing about problems in implementing the obligations for LGUs. Likewise, the LGU's obligations to monitor and evaluate the function within this law are lacking since the monitoring systems envisaged in it have not yet been adopted.</p>	
<p>Recommendation [74]: It is recommended to draft and complete the entire legal basis with the sublegal acts pursuant to Law no. 27/2018 "On cultural heritage and museums".</p>	

ENSURE, AT THE LOCAL LEVEL, MEASURES FOR THE PROTECTION OF AIR, SOIL AND WATER POLLUTION (ARTICLE 26/1), LOCAL LEVEL INSURANCE, MEASURES FOR PROTECTION AGAINST ACOUSTIC POLLUTION (ARTICLE 26/2), DEVELOPMENT OF EDUCATIONAL AND PROMOTIONAL ACTIVITIES AT THE LOCAL LEVEL RELATED TO ENVIRONMENTAL PROTECTION (ARTICLE 26/3)

FINDINGS & RECOMMENDATION			
Administration of the Function		Monitoring & Evaluation	
Legal Inconsistences	PL	Legal gaps	PL
<p>DCM no. 633, dated 26.10.2018 "On measures against air pollution from discharges of motor vehicles and reduction of air emissions of gaseous pollutants and suspended solids from positive-ignition engines and combustion engines combusting natural gas or liquefied for use in vehicles", provides LGUs as one of the authorities responsible for implementing this DCM. In the provisions of the Road Code, the technical control of vehicles, as the main activity for the implementation of this DCM, is defined as the responsibility of the technical control centres licensed by the MEI, and in case of suspected contamination of motor vehicles special trailers, road police services (excluding municipal police Article 12 of the Road Code) may order at any time their detention, by making a note in the vehicle's booklet, for an out-of-date technical check. Under the circumstances of lack of control over assets, the activities defined in DCM no.633 cannot be implemented by LGUs.</p>	<p>Article 12 of Law 162/2014 "On the Protection of the Air Quality in the Environment" defines the CM as the authority responsible for the adoption of measures to reduce air discharge from stationary sources. This DCM has not been approved.</p>	<p>For the provision of measures to ensure for the protection of air, soil and water pollution, the LGUs are not given the power to measure, control and monitor relevant indicators, therefore, measures that can ensure LGUs are limited to measures that are currently engaged in the administration of other functions according to Law 139/2015, namely:</p> <ul style="list-style-type: none"> - On air quality in the function of local public transport and parks, gardens and public green spaces (articles 23/6 and 9); - On the quality of drinking water, in the function of production, treatment, transmission and supply of drinking water (Article 23/1); - For polluted waters, in the collection, removal and treatment of polluted waters (Article 23/2); - For irrigation and drainage waters in the function of irrigation and drainage infrastructure management (Article 27/1); - To protect the quality of land in the function of administering and protecting agricultural lands and other categories of resources, as well as for the protection of nature and biodiversity (Article 27). - Within the exercise of its functions, the LGU provides environmental protection measures, particularly for the quality of land, as part of the planning, infrastructure development and public service function (Article 23). <p>Regarding the activities of natural or legal persons carrying out activities on its territory, the LGU has no authority (except protection against acoustic pollution) to take administrative measures against offenders for causing environmental pollution.</p>	<p>Recommendation [77]: It is recommended to extend the competences of LGUs in relation to the provision of environmental protection measures by adding powers to carry out measurement, control and monitoring as well as the establishment of imposing penalties directly against natural or legal persons of the offender.</p> <p>It is recommended that these changes be reflected in the sectorial legislation on environmental protection as well as in sectorial legislation that regulates other functions of the LGUs; a good example to consider refers to the construction inspectors that is transferred at LGUs level.</p>
<p>Recommendation [75]: It is recommended to amend point 12 of the DCM no. 633 and the responsibility of LGUs for the implementation of this DCM to be abrogated.</p>	<p>Recommendation [76]: It is recommended the design and approval of the required DCM pursuant to Article 12 of Law 162/2014 "On the Protection of Air Quality in the Environment".</p>		

ADMINISTRATION, USE AND MAINTENANCE OF IRRIGATION AND DRAINAGE INFRASTRUCTURE, TRANSFERRED TO OWNERSHIP, AS DEFINED BY THE LAW (ARTICLE 27/1)

Findings and Recommendations

Administration of the function

Legal Gap	PL	Legal Gap	PL
<p>Law no. 24/2017, date 9.3.2017 "On the Management of Irrigation and Drainage" defines the adoption of several by-laws for the regulation of this function; specifically, the rules and technical criteria for the maintenance and operation of the irrigation and drainage infrastructure have not yet been drafted from MARD.</p>	PL	<p>The by-laws necessary for the transfer from LGUs of the right to use the irrigation and drainage infrastructure to Water User Associations have not yet been approved by MARD, specifically:</p> <ul style="list-style-type: none"> - An agreement act template for the transfer of the right to use the irrigation and drainage infrastructure to agricultural cooperative associations; - A template statute of Water User Associations. 	PL
<p>Recommendation [78]: It is recommended to approve the instruction pursuant to article 6, point 2 of law no. 24/2017, dated 9.3.2017 "On the Management of Irrigation and Drainage".</p>		<p>Recommendation [79]: It is recommended to approve the instruction pursuant to article 20, point 4 and article 25, point 3 of law no. 24/2017, dated 9.3.2017 "On the Management of Irrigation and Drainage".</p>	

ADMINISTRATION AND PROTECTION OF AGRICULTURAL LANDS AND OTHER CATEGORIES OF RESOURCES, SUCH AS UNPRODUCTIVE LAND, ETC., AS DEFINED BY THE LAW (ARTICLE 27/2)

FINDINGS AND RECOMMENDATIONS

Administration of the function

Legal Inconsistency	PL	Legal Inconsistency	PL
<p>The administration and protection of agricultural land and other categories of resources as unproductive land is regulated by 2 main laws (i) law no. 9244, dated 17.6.2004 "On the Protection of Agricultural Land", as amended, and (ii) law no. 8752, dated 26.3.2001 "On the Establishment and Functioning of Administration and Protection Structure of land", as amended. Both laws were last amended in October 2014, prior to the adoption of Law 139/2015 date 17.12.2015. Also, they are not affected by the adoption of law no. 115/2014 "On the administrative-territorial division of the local government units in the Republic of Albania", as amended.</p> <p>Law no. 9244 defines the MARD the technical and administrative director of all state structures involved in land protection activities, including structures within LGUs, which is contrary to the principle of local autonomy (Article 4/1 of law 139/2015).</p>	PL	<p>The regional council manages technically and administratively the state structures in the territory of the region, making mandatory decisions to be taken by LGUs, conducts inspection through ILP (Inspectorate for Land Protection), etc.</p> <p>The draft law "On the budget of 2019" in article 16 foresees that the administrative staff of the regional council cannot be more than 10 persons, as in the law no. 109/2017 "On the Budget of 2018". Consequently, in the organizational structures of the regional councils, ILP staff has been particularly reduced, and in general the staff responsible for land protection services, has been reduced. Under reduced human capacities, the region is no longer capable of executing this function.</p>	PL
<p>Recommendation [80]: It is recommended the amendment of Law No. 9244, date 17.6.2004 "On the Protection of Agricultural Land", as amended, and Law No. 8752, date 26.3.2001 "On the Establishment and Functioning of Administration and Protection Structure of land", as amended, abolishing the direction of LGU structures from MARD; the responsibilities of LGU's with regard to the administration and protection of agricultural land be determined based on the principle of local autonomy.</p>	PL	<p>Recommendation [81]: Due to lack of capacities of the regional council to execute functions, it is recommended to amend the law no.9244, dated 17.6.2004 "On the protection of agricultural land", as amended and the law no.8752, dated 26.3.2001 " On the Establishment and Functioning of Land Management and Protection Structures "; as amended, and other sub-legal acts and to transfer responsibilities to LGUs for an effective implementation of land management and protection activities.</p>	PL

ESTABLISHMENT AND ADMINISTRATION OF THE LOCAL SYSTEM FOR INFORMATION AND AGRICULTURAL AND RURAL ADVICE (ARTICLE 27/3)

CREATION AND ADMINISTRATION OF LOCAL SCHEMES FOR AGRICULTURE AND RURAL DEVELOPMENT GRANTS FINANCED BY THE LOCAL BUDGET AND / OR CO-FINANCING FROM THIRD PARTIES, ENSURING BALANCED GENDER ACCESS (ARTICLE 27/4)

PROTECTION OF NATURE AND BIODIVERSITY (ARTICLE 27/6)

FINDINGS AND RECOMMENDATIONS			
Administration of the function			
Creation and administration of local schemes for agriculture and rural development grants financed by the local budget and / or co-financing from third parties, ensuring balanced gender access (Article 27/4)			
Legal Gap	PL	Legal Inconsistence	PL
<p>The establishment and administration of the local system for information and agricultural and rural advice is regulated by law no. 9817, dated 22.10.2007, "On Agriculture and Rural Development", as well as by DCM no. 709, dated 29.10.2014 "On the adoption of a cross-cutting strategy for rural and agricultural development 2014-2020", as amended. In these acts LGUs are not defined responsible bodies for implementing responsibilities related to the function. Nonetheless, LGUs can exercise this function freely in accordance with Article 32/2 of law 139/2015.</p>		<p>This function is not regulated by the sectorial legislation, LGUs have no defined competences.</p> <p>Law no. 9817, date 22.10.2007, "On Agriculture and Rural Development", in article 6, determines the establishment of programs for agriculture and rural development administered by the MARO through a payment agency with the purpose of supporting agriculture and rural development, paying attention to the need for project planning and supporting measures.</p> <p>The program's financial resources also include LGUs budget.</p> <p>By giving a payment agency the exclusive authority for administering the program, LGUs cannot apply this function, which is in violation of the responsibility given them by law 139/2015, Article 27, and point 4.</p>	
<p>Recommendation [82]: It is recommended to amend law no. 9817, dated 22.10.2007, "On Agriculture and Rural Development", (i) defining competences of LGUs and (ii) co-ordinating activities between MARO and LGUs</p>		<p>Recommendation [83]: It is recommended to amend article 6 of law no. 9817, dated 22.10.2007, including LGUs in the administration of agricultural and rural development programs.</p>	
			<p>Law no. 9587, dated 20.7.2006 "On the Protection of Biodiversity", amended, regulates the function of nature and biodiversity protection.</p> <p>Article 7 defines central and local authorities jointly responsible for the administration of resources. Assigning the same competencies to the several government authorities leads to ambiguity in the division of responsibilities and, consequently, also in the allocation of financial resources necessary for the exercise of this function. Law no. 139/2015 "On Local Self-Government", unlike the previous law, has removed the categorization of functions in "own" and "shared". This change is harmonized with the Constitution, which does not recognize the concept of "shared function" between central government and local government. This practice results in the lack of coordination of activities to be undertaken by the involved institutions.</p>
			<p>Recommendation [90]: It is recommended to amend law no. 9587, date 20.07.2006 "On the Protection of Biodiversity"; specifically, it is recommended to clearly define the responsibilities of central authorities and LGUs, as well as the ways of cooperation between these authorities.</p>

ADMINISTRATION OF FORESTS AND PASTURES PUBLIC FUND (ARTICLE 27/5)

FINDINGS AND RECOMMENDATIONS

Administration of the function

Legal Gap	PL	Legal Gap	PL	Legal Inconsistency	PL
<p>Law no. 9385, dated 4.5.2005 "On Forests and Forestry Service" amended has not yet been accompanied by several by laws for its implementation, leading to problems in the fulfilment of LGUs responsibilities for this function. Specifically, the DCM on the criteria and methodology for determining the value of damage caused by offenders.</p> <p>Recommendation [84]: It is recommended to approve the abovementioned DCM, pursuant to article 41/1, item 4 of the law no. 9385, dated 4.5.2005 "On Forests and Forestry Service" amended.</p>		<p>The following instructions have not yet been issued from MTE:</p> <ul style="list-style-type: none"> - on the methodology of drafting forestry management plans; - rules for grazing and bypassing of livestock in public forests, in new forestations, in exploited forest plots or plots under rehabilitation, in protective forests or forests with particular functions, in hunting and wild fauna breeding reserves, as well as in seed reserves; - rules for permitting simple, non-commercial construction, edging, fencing and restriction of visitor movements, within the fenced territories of parts of the public forestry fund and of those declared with a special protection function; - Criteria and contingents for the collection and use of secondary forest products. 		<p>In relation to the activities of natural and legal persons carried out in its territory, LGUs have no authority in taking administrative measures against offenders in the forests and pastures sector. Forestry and pasture structures are obliged to notify the forestry police about the imposition of administrative measures, which, in turn, due to delays, distance from the place of occurrence and the impossibility of reaching the scene of the event, often do not apply the administrative measure.</p> <p>Recommendation [89]: It is recommended to extend the competences of LGUs, specifically to give LGUs the competence for imposing administrative measures directly against natural or legal persons causing offence, in law no. 9385, dated 4.5.2005 "On Forests and Forestry Service" as amended, and law no. 9693, dated 19.3.2007 "On the Pastoral Fund", amended; the good practice of construction inspectorates in LGUs may be utilized.</p>	
		<p>Recommendation [85]: It is recommended to design and approve the instruction on how to draft forest management plans, pursuant to article 5, item 6 of law no. 9385, dated 4.5.2005 "On Forests and Forestry Service" amended.</p> <p>Recommendation [86]: It is recommended to design and approve the instruction for setting rules for grazing bypassing of livestock in public forests, in new forestations, in exploited forest plots or plots under rehabilitation, in protective forests or forests with particular functions, in hunting and wild fauna breeding reserves, as well as in seed reserves, pursuant to article 21, point 10 of Law no. 9385, dated 4.5.2005 "On Forests and Forestry Service" amended.</p> <p>Recommendation [87]: It is recommended to adopt the instruction on rules for permitting simple, non-commercial construction, edging, fencing and restraining visitor movements across fenced territories of the public forest stock and across territories declared of special protection function, pursuant to article 21, point 14 of law no. 9385, dated 4.5.2005 "On Forests and Forestry Service" amended.</p> <p>Recommendation [88]: It is recommended to approve the instruction for criteria and contingents for the collection of secondary forest products, pursuant to article 26, point 14 of Law no. 9385, dated 4.5.2005 "On Forests and Forestry Service" amended.</p>			

FIRE PROTECTION SERVICE AT THE LOCAL LEVEL, AND ADMINISTRATION OF RELEVANT STRUCTURES (ARTICLE 29/2)

FINDINGS AND RECOMMENDATIONS		
Administration of the function		
Legal Gap	LP	LP
<p>In law no. 152/2015 dated 21.12.2015 "On the Fire Protection and Rescue Service" there are some gaps in the legal basis, i.e. it is missing the DCM for the approval of the rule on fire protection and the instruction of the minister for identification and review of administrative offences, procedures to be followed for complementary administrative measures and the record of offences occurred.</p>	<p>Recommendation [91]: It is recommended to approve the fire protection rule pursuant to article 10, letter a of the law no. 152/2015 date 21.12.2015 "On the Fire Protection and Rescue Service".</p>	<p>Law no. 152/2015 dated 21.12.2015 "On the Fire Protection and Rescue Service", article 7, point 4, defines the department / sector of the FPR (Fire Protection and Rescue) at the local level under the mayor's dependence. At the same time, law no. 8224, dated 15.5.1997 "On the organization and functioning of the municipality and commune police", as amended, in article 12 determines the dependence of the local Fire Protection Inspectorate on the regional chief inspector for the Municipal Police.</p>
<p>Recommendation [92]: It is recommended to issue instructions on the identification and revision of administrative offenses, procedures to be followed for complementary administrative measures and the record of offences occurred, pursuant to article 50, point 8 of law no. 152/2015 date 21.12.2015 "On the Fire Protection and Rescue Service".</p>	<p>Recommendation [93]: It is recommended to abolish article 12 of law no. 8224, date 15.5.1997 "On the organization and functioning of the municipal and communal police".</p>	<p>Recommendation [93]: It is recommended to abolish article 12 of law no. 8224, date 15.5.1997 "On the organization and functioning of the municipal and communal police".</p>

FINANCIAL ADEQUACY

FINDINGS AND RECOMMENDATIONS

FINANCIAL ADEQUACY OF FUNCTIONS

Legal Gap	PL	Legal Inconsistence	PL	Implementation	PL
Law 139/2015 provides no definition of what are national standards and norms of exercising a function. Most importantly, their relation with national and regional policies is not defined. This definition is important considering that both are basis of the principle for exercising a function given in the law, while only standards and norms are criteria for the principle of financial adequacy.		Law 139/2015 determines the adequacy of financial resources to be dependable on the legal standards and norms required for exercising the functions of local self-government, which, in turn, must be included in the functions cost. This definition is not fully reflected in law 68/2017 where the necessary financial resources reach the level of the historical cost of exercising functions from the central government before their decentralization; into the historical cost, the level of legal standards and norms is not necessarily the one required by law. This means that, in comparison to law 139/2015, law 68/2017 reduces the potential amount of financial resources which are adequate to be financed from the central government for local self-government.		From the first decentralization reform in the country, the estimated financial effect of changes in national fiscal policies and the transfers of functions, which is not financed or not compensated to the local self-government units, is about ALL 8 billion.	
Recommendation [94]: It is recommended that a definition of national standards and norms of a function of the local self-government be provided in law 139/2015; most importantly, it is recommended that their relation to the relevant national and regional standards be defined.		The way of ensuring the fulfilment of the principle of financial adequacy of local self-government functions through the mid-term budgeting system of the LGUs is not clear. In particular, it is not clear the extent at which legal standards and norms of a function are included in the calculation or estimation of its cost through the expenditure program.		Recommendation [100]: Based on law 139/2015, article 34, point 5, it is recommended that the MFE draft a financial plan for the compensation of the loss in local self-government revenues as a consequence of national fiscal policy changes over the years.	
Recommendation [101]: It is recommended that, after a 2-3 year period of implementation of the law on local self-government finance, a thorough analysis of local public financial management be carried out, planning possible amendments and changes to relevant legal and sub-legal acts.		Recommendation [95]: It is recommended to amend instruction 23, date 30.07.2018 of law 68/2017, clarifying the way legal standards and norms of exercising a function are included in the mid-term budget expenditure program for the function and its cost. Specifically, it is recommended that a unified direction be given to the local financial planning of LGUs along the cycle: national and regional policies of a function – national standards and norms of the function – purpose and objectives of the expenditure programmes for a function – performance indicators of the expenditure programmes.		Recommendation [99]: It is recommended to elaborate the procedures and methods for the transfer of functions at the local level, through the consultative structures of the local and central government.	
				Recommendation [97]: It is recommended that a methodology of the estimation of local revenues be estimated, which should support the estimated adequate financial resources.	
				Recommendation [98]: It is recommended that fiscal policies and the transfer of new responsibilities with financial consequences on the local self-government activity be accompanied always with a detailed financial bill, along with the transparent method of calculation of the bill.	
				Central government reports, as required by law 68/2017 "On the finances of local self-government", articles 26 and 27, which are to provide information (and be consulted in the Consultative Council) on the currently achieved standard of a function across LGUs, have never been prepared until today.	
				Recommendation [96]: It is recommended to draft the financial reports as required in articles 26 and 27 of law 68/2017 "On local self-government finances".	
				Recommendation [102]: Considering the monitoring role of the municipal council as defined in law 139/2015, it is recommended that municipal councils develop human capacities for contributing (through the Consultative Council instrument) to quantitative analyses of the state of local self-government financing, and of legal initiatives of the central government impacting the adequacy of local financial resources – transferring and delegation of functions, changes in the national fiscal policy. Specifically, it is recommended that human capacities of the municipal councils be developed on the principle of local self-government autonomy and its regulation, as well as its implementation in relation to each of the functions according of law 139/2015.	

ANNEX B: LEGAL BASIS OF THE FUNCTIONS

Function	Legal Base
Production, treatment, transmission and supply of drinking water and the collection, removal and treatment of wastewaters	<ul style="list-style-type: none"> • Law No. 8102, dated 28.3. 1996 "On the Regulatory Framework for the Water Supply and Wastewater Disposal and Treatment Sector", as amended; • DCM no.1304, dated 11.12.2009 "On approval of the model regulation" On water supply and sewerage in the jurisdiction of the water supply and sewerage joint stock companies"; • DCM no. 958, dated 06.05.2009 "On Approval of License Categories and License Application Procedures for Physical and Juridical Persons operating in Water Supply and Waste Water Disposal and Treatment system"; • DCM no. 63, dated 27.01.2016, "On the reorganization of operators providing WS services; • Law no. 111/2012 "On Integrated Water Resources Management ", as amended; • DCM no. 73, dated 7.2.2018 "On the adoption of the National Strategy for Integrated Management of Water Resources, 2018-2027; • DCM no. 379, dated 25.5.2016 "On the adoption of the Regulation "Quality of Potted Water " • Law No. 9115, dated 24.7.2003 "On the Environmental Treatment of Wastewater", as amended; • DCM no. 177, dated 31.03.2005 "On the norms allowed for liquid discharge and zoning criteria of the receiving aquatic environment" • Law No. 7663, dated 2.12.1992 "On Sanitary Inspection", as amended; • Law No.9863, dated 28.1.2008 "On Food", as amended; • DCM no. 431, dated 11.7.2018 "On the establishment, organization and functioning of the National Agency for Water Supply and Sewerage and Waste Infrastructure"; • NRC Decision No. 35, dated 14.10.2013 "On the approval of the regulatory fee percentage for 2014"; • NRC Decision No. 4, dated 29.02.2012 "On determining the category of customers for certain special clients"; • NRC Decision No. 31, dated 27.04.2018 "On the amendment to the decision of KKRR No. 4, dated 29.02.2012," On the definition of the category of customers for certain special clients "; • NRC Decision No. 50, dated 30.12.2013 "On the approval of the license format and some amendments to the licensing regulation"; • NRC Decision No. 46, dated 27.12.2013 "On approving the water balance"; • NRC Decision No. 15, dated 09.06.2014 "On the Implementation Agreement sample"; • NRC Decision No. 22, dated 14.11.2014 "On approval of the Regulatory Fee Percentage for 2015"; • NRC Decision No. 25, dated 08.07.2015 "On some additions and amendments to the sample implementation agreement for water supply and sewerage services";

Function	Legal Base
Production, treatment, transmission and supply of drinking water and the collection, removal and treatment of wastewaters	<ul style="list-style-type: none"> • NRC Decision No. 13, dated 23.02.2016, "On licensing of operators and approval of water supply and sewerage service fees until the end of the reorganization procedures of water supply and sewerage joint stock companies"; • NRC Decision No. 39, dated 09.12.2015, "On approval of the tariff setting policy for the water supply and waste water disposal and treatment "; • NRC Decision No 40, dated 09.12.2015 "On approval of supporting documentation for the tariff approval for water supply, waste water disposal and treatment"; • NRC Decision No. 41, dated 09.12.2015 "On approval of the tariff approval process for the water supply, waste water disposal and treatment"; • NRC Decision No. 42, dated 09.12.2015 "On approval of the tariff setting methodology for water supply and waste water disposal and treatment"; • NRC Decision No. 18, dated 22.03.2018 "Decision to initiate the procedure for changing the tariff setting methodology"; • NRC Decision No. 21, dated 30.03.2018 "On the fees for providing the requested information (documentation)"; • Decision of the National Regulatory Commission No.71, dated 21.09.2018, on the adoption of the "Regulation on organization and conduct of public hearings in the process of tariff approval"; • NRC decision no. 58, dated 29.12.2017 on the approval of the "Regulation on inspections and monitoring of the performance of the water supply and sewerage sector(UK)". • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • Law no. 8402, dated 10.9.1998 "On control and discipline of the construction works", as amended; • Law no. 9290, dated 7.10.2004 "On construction products" as amended; • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "On inspection and protection of territory from illegal constructions", as amended; • Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended; • DCM no. 504, dated 13.9.2017 "On the state responsibility of the Ministry of Infrastructure and Energy".

Function	Legal Base
Collection and removal of rainwater and flood protection in residential areas	<ul style="list-style-type: none"> • Law no. 111/2012 "On Integrated Water Resources Management ", as amended. • DCM no. 73, dated 7.2.2018 "On Approval of the National Strategy for Integrated Management of Water Resources, 2018-2027" • DCM no. 655, dated 18.12.2002 "On the Establishment and Organization of the National System of Planning and Response of Civil Emergencies" DCM No. 531, dated 01.08.2003 "On the organization, functioning, duties and responsibilities of civil emergency services". • DCM no. 502, dated 13.9.2017 "On the State Responsibility of the Ministry of Interior", as amended. • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • DCM no. 408 "On the adoption of the the territorial development regulation :, as amended; • Law no. 8402, dated 10.9.1998 "On control and discipline of the construction works, as amended; • Law no. 9290, dated 7.10.2004 "On construction products" as amended; • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "On inspection and protection of territory from illegal constructions", as amended; • Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended; • DCM no. 504, dated 13.9.2017 "On the state responsibility of the Ministry of Infrastructure and Energy". • Law No.8681, dated 2.11.2000 "On the Design, Construction, Use and Maintenance of Dams and Barrages, as amended; • DCM No.147, dated 18.3.2004 "On adoption of the regulation on the safety of dams and barrages"

Function	Legal Base
Construction, rehabilitation and maintenance of local roads and road signs, sidewalks and local public squares	<ul style="list-style-type: none"> • Law No. 8378, dated 22.7.1998 "Road Code of the Republic of Albania", as amended; • DCM No. 153 of 07.04.2000 "On the approval of the Regulation implementing the Road Code of the Republic of Albania", as amended; • DCM no. 628, dated 15.07.2015 "On Approval of Technical Provisions for the Design and Construction of Roads", as amended; • Instruction no. 9, dated 3.7.2012 "On Audit and Inspection of Road Safety"; • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "On inspection and protection of territory from illegal constructions", as amended; • Law no. 8402, dated 10.9.1998 "On control and discipline of the construction works, as amended; • Law no. 9290, dated 7.10.2004 "On construction products" as amended; • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended;
Public Lighting	<ul style="list-style-type: none"> • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • Law no. 124/2015 date. 05.11.2015 "On Energy Efficiency"; • DCM no. 709, dated 1.12.2017 "On the adoption of the second and third National Action Plan for Energy Efficiency for Albania, 2017-2020"; • DCM no. 504, dated 13.9.2017 "On state responsibility of the Ministry of Infrastructure and Energy". • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "On inspection and protection of territory from illegal constructions", as amended; • Law no. 8402, dated 10.9.1998 "On control and discipline of the construction works, as amended; • Law no. 9290, dated 7.10.2004 "On construction products" as amended; • Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended; • DCM No. 914, dated 29.12.2014 "On Approval of Public Procurement Rules", as amended. • Law no. 116/2016 dated 10.11.2016 "On Energy Performance of Buildings".

Function	Legal Base
Local Public Transportation	<ul style="list-style-type: none"> • Law no. 8308, dated 18.03.1998 "On Road Transport" amended; • DCM No. 811, dated 16.11.2016 "On Approval of Transport Strategy and Action Plan 2016-2020" (not published in the Official Gazette). • DCM no. 325, dated 19.3.2008 "On approval of rules for the activity of the operator of road transport of freight and passengers, as well as recognition of official documents, assigned to these operators", as amended • Instruction no. 5627, dated 18/11/2016 "On establishing Criteria, Rules and Documentation for License and Certificates Issuing for operation in Road Transport of passengers within the country", as amended; • Instruction no. 5628, dated 18.11.2016, "On the Approval of the Intercity Line Network", as amended; • Instruction no. 1726/1, dated 21/04/2008 "On the determination of taxi service prices and fares "; • Instruction no. 446, dated 10.05.2018 "On the categorization, requirements to be met by the bus terminal, authorization, keeping documentation, bus terminal fees and other obligations ", amended • Instruction no. 3743, dated 10.07.2017 "On the Models and Standards of Road Transport Passenger/s ticketing", amended • Law No. 8378, dated 22.7.1998 "Road Code of the Republic of Albania, as amended; • DCM No.153, dated 7.4.2000 "On Approval of the Road Traffic Implementing Regulation of the Republic of Albania", as amended; • DCM 504, dated 13.09.2017 "On the state responsibilities for the Ministry of Infrastructure and Energy.

Function	Legal Base
Construction, rehabilitation and maintenance of public cemeteries as well as the guarantee of burial service	<ul style="list-style-type: none"> • Law No. 9220, dated 15.4.2004 "On Funeral Services Management", as amended; • DCM no. 711, dated 29.10.2014 "On the adoption of the regulation" On the administration and functioning of cemeteries in the territory of the Republic of Albania "; • DCM no. 712, dated 29.10.2014 "On the approval of the technical regulation" On the design and construction of cemeteries in the territory of the Republic of Albania "; • DCM no. 151, dated 4.2.2015 "On setting the criteria and procedures for the establishment of private cemeteries"; • DCM no. 426, dated 9.7.1998, of the Council of Ministers, "On the funeral service expenses for Albanian citizens who die in the country and abroad", as amended; • Instruction no. 4, dated 9.12.2015 "On the exhumation procedure and mural exhumation in specific cases"; • MRTT Instruction No. 2, dated 19.7.2004 "On the Designation and Completion of the Burial Service Scheme"; • MRTT Instruction No. 7, dated 16.12.2004 "On the definition of technical norms for the design and construction of public cemeteries"; • MRTT Instruction No. 8, dated 17.12.2004 "On determining the conditions of public cemeteries use of, the manner of opening the tombs and the technical data of the caskets used"; • MRTT Instruction No. 3, dated 28.6.2005 On defining the technical conditions for the construction and use of over ground cemeteries • Instruction of MPWTT & MoH No. 1, dated 31 March 2006 "On the Determination of Special Conditions to Meet Burial Vehicles" • Law no. 10 129, dated 11.5.2009 "On civil status", as amended; • DCM no. 504, dated 13.9.2017 "On the state responsibility of the Ministry of Infrastructure and Energy".
City décor	<ul style="list-style-type: none"> • Law no. 8926, dated 22.07.2002 "On the form and dimensions of the national flag, the content of the national anthem, the shape and dimensions of the emblem of the Republic of Albania and their use"; • DCM No. 473, dated 10 July 2003, "On the use of the national flag in the external and internal environments, public institutions, and the ratio of its dimensions.";
Maintenance of parks, gardens and public green spaces	<ul style="list-style-type: none"> • Law 107/2014 "On Territorial Planning and Development", as amended; DCM No. 408, dated 13.5.2015 "On the adoption of the territorial development regulation ", as amended • DCM No. 1096, dated 28.12.2015, "On adoption of rules, conditions and procedures for the use and management of public space"; • DCM No. 671, dated 29.7.2015 "On approval of the Territorial Planning Regulation".

Function	Legal Base
Collection, removal and treatment of Municipal Solid Waste	<ul style="list-style-type: none"> • Law 10463/2011 "On Integrated Waste Management", as amended; • Law No. 8094, dated 21.3.1996 "On the Public Waste Disposal"; • DCM no.175, dated 19.1.2011 "On the adoption of the national waste management strategy and the national waste management plan"; • DCM 418, 25.06.2014 "On the differentiated waste collection at source"; • DCM 452, 11.07.2012 "On waste landfills", as amended; • DCM 608 of 17.9.2014 "On the determination of the necessary measures for the collection and treatment of bio waste as well as the criteria and deadlines for their reduction"; • DCM 177, 06,03,2012 "On their packaging and wastes", as amended; • Instruction no. 6, dated 27.11.2007 of the Minister of Environment, Forests and Water Administration "On the adoption of rules, content and deadlines for the preparation of solid waste management plans"; • Instruction no. 1738, dated 12.3.2015 "On the study-design criteria for the rehabilitation of solid urban waste disposal sites, as well as the construction of landfills or urban solid waste treatment plants"; • DCM no. 99, dated 18.2.2005 "On approval of the Albanian Waste Classification Catalog", as amended; • Regulation no. 1, dated 30 March 2007, of the Minister of Environment, Forests and Water Administration and the Minister of Public Works, Transport and Telecommunications "On the treatment of construction and destruction waste since their creation and transport for annihilation"; • Instruction no. 6, dated 27.11.2007 of the Minister of Environment, Forests and Water Administration "On adoption of rules, content and deadlines for the preparation of solid waste management plans"; • DCM no. 806, dated 4 December 2003 of the Council of Ministers "On Approval of Rules and Procedures for the Waste Importation for Use, Processing and Recycling"; • Regulation no. 4, dated 15.10.2003 of the Minister of Environment "On the research, review and approval of waste export and transit permits". • Law 10448/2011 "On Environmental Permits", as amended; • DCM 509, dated 13.9.2017 "On the State Responsibility of the Ministry of Tourism and the Environment"; • DCM 504, dated 13.9.2017 "On the State Responsibility of the Ministry of Infrastructure and Energy"; • DCM Nr. 431, dated 11.7.2018 "On the Establishment, Organization and Functioning of the National Water Supply-Sewerage and Waste Infrastructure Agency"; • Law no. 107/2014, "On territorial planning and development", as amended; • DCM no. 408, dated 13.5.2015 "On the adoption of the Territorial Development Regulation ;, as amended; • DCM no. 46, dated 29.1.2014 "On the establishment and manner of organization and functioning of the State Inspectorate of Environment, Forestry and Water".

Function	Legal Base
<p>Construction, rehabilitation and maintenance of educational buildings of the pre-university education system, with the exception of vocational schools</p>	<ul style="list-style-type: none"> • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • DCM no. 408 "On the adoption of the the territorial development regulation:, as amended; • Law no. 69/2012 dated 21.06.2012 "On the pre-university education system in the Republic of Albania", as amended; • DCM No. 662, dated 8.10.2014 "On the Establishment of Criteria and Procedures for Establishing and Closing down of Public Pre-University Educational Institutions"; • Law no. 8402, dated 10.9.1998 "On control and discipline of the construction works, as amended; • Law no. 9290, dated 7.10.2004 "On construction products" as amended; • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "On inspection and protection of territory from illegal constructions", as amended; • Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended; • Law no. 116/2016 dated 10.11.2016 "On energy performance of buildings"; • DCM no. 505, dated 13.9.2017 "On the state responsibility of theMinistry of education, sport and youth"; • DCM no. 504, dated 13.9.2017 "On the state responsibility of the Ministry of Infrastructure and Energy". • DCM no. 319, dated 12.4.2017 "On the Approval of School Design Standards"; • DCM no. 159, dated 1.3.2017 "On Approval of Garden Design Standards".

Function	Legal Base
Construction, rehabilitation and maintenance of educational buildings of the pre-university education system, with the exception of vocational schools	<ul style="list-style-type: none"> • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • DCM no. 408 "On the adoption of the territorial development regulation:, as amended; • Law no. 69/2012 dated 21.06.2012 "On the pre-university education system in the Republic of Albania", as amended; • DCM No. 662, dated 8.10.2014 "On the Establishment of Criteria and Procedures for Establishing and Closing down of Public Pre-University Educational Institutions"; • Law no. 8402, dated 10.9.1998 "On control and discipline of the construction works, as amended; • Law no. 9290, dated 7.10.2004 "On construction products" as amended; • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "On inspection and protection of territory from illegal constructions", as amended; • Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended; • Law no. 116/2016 dated 10.11.2016 "On energy performance of buildings"; • DCM no. 505, dated 13.9.2017 "On the responsibility of the Ministry of Education, Sport and Youth"; • DCM no. 504, dated 13.9.2017 "On the state responsibility of the Ministry of Infrastructure and Energy". • DCM no. 319, dated 12.4.2017 "On the Approval of School Design Standards"; • DCM no. 159, dated 1.3.2017 "On Approval of Garden Design Standards".

Function	Legal Base
Administration and regulation of pre-school education in kindergartens and kindergartens	<ul style="list-style-type: none"> • Law no. 18/2017 "On the Rights and Protection of the Child"; • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • DCM no. 408 "On the adoption of the the territorial development regulation:, as amended; • Law no. 69/2012 dated 21.06.2012 "On the pre-university education system in the Republic of Albania", as amended; • DCM Nr. 662, dated 8.10.2014 "On the Establishment of Criteria and Procedures for Establishing and Closing down of Public Pre-University Educational Institutions"; • DCM no. 352, dated 3.4.2013 "On the organization and functioning of the State Education Inspectorate". • DCM no. 662, dated 8.10.2014 "On defining of criteria and procedures for establishing and closing down of the pre-university public education institutions". • DCM no. 140, dated 18.2.2015 on the adoption of the regulation "On the exercise of activity of the national council of pre-university education system". <p>MESY Order No. 343, dated 19.8.2013 : "On adopting normative provisions for the pre-university education system";</p> <ul style="list-style-type: none"> • MESY Instruction No.21, dated 23.7.2010 "On teaching-educational work rates and the number of students per class in pre-university education institutions", as amended; • Instruction no. 8, dated 19.3.2013 "On the criteria and procedures for the qualification of teachers"; • Instruction no. 2, dated 12.2.2015 "On the criteria and procedures for the qualification of teachers" • Instruction no. 30, dated 2.8.2013 "On Educational Institutions Regulation Template"; • Instruction no. 37, dated 13.8.2013 "On the criteria and procedures for the selection of members of the local council of pre-university education system". • Instruction no. 57, dated 12.11.2013 "On the appointment and dismissal procedures of the director in public institution of the pre-university education system"; • Instruction no. 56, dated 12.11.2013 "On procedures for appointment and dismissal of teachers in public institution of the pre-university education"; • Instruction no. 38, dated 7.10.2014 "On criteria for auxiliary teachers for students with disabilities in public institutions of the pre-university education system"; • Order no. 343, dated 19.8.2013 "On the adoption of normative provisions for the pre-university education system". • Law no. 8402, dated 10.9.1998 "On control and discipline of the construction works", as amended;

Function	Legal Base
Administration and regulation of pre-school education in kindergartens and kindergartens	<ul style="list-style-type: none"> • Law no. 9290, dated 7.10.2004 "On construction products" as amended; • Law no. 10433, dated 16.6.2011 "On Inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "On inspection and protection of territory from illegal constructions", as amended; • Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended; • Law no. 116/2016 dated 10.11.2016 "On energy performance of buildings"; • DCM no. 505, dated 13.9.2017 "On the state responsibility of the Ministry of education, sport and youth"; • DCM no. 504, dated 13.9.2017 "On the state responsibility of the Ministry of Infrastructure and Energy". <ul style="list-style-type: none"> • DCM no. 159, dated 1.3.2017 "On Approval of Kindergarten Design Standards"; • DCM no. 530, dated 20.07.2016 "On approval of nursery design standards"; • DCM no. 352, dated 3.4.2013 "On the organization and functioning of the State Education Inspectorate". • DCM no. 662, dated 8.10.2014 "On the definition of criteria and procedures for establishing and closing down of the pre-university public education institutions". • DCM no. 140, dated 18.2.2015 on the adoption of the regulation "On the exercise of activity of the national council of pre-university education system". • Instruction No.21, dated 23.7.2010 "On teaching-educational work rates and the number of students per class in pre-university education institutions", as amended; • Instruction no. 8, dated 19.3.2013 "On the criteria and procedures for the qualification of teachers"; • Instruction no. 2, dated 12.2.2015 "On the criteria and procedures for the qualification of teachers" • Instruction no. 30, dated 2.8.2013 "On Educational Institutions Regulation Template"; • Instruction no. 37, dated 13.8.2013 "On the criteria and procedures for the selection of members of the local council of pre-university education system". • Instruction no. 57, dated 12.11.2013 "On appointment and dismissal procedures of the director in Public institution of the pre-university education system"; • Instruction no. 56, dated 12.11.2013 "On procedures for appointment and dismissal of teachers in public institution of the pre-university education "; • Instruction no. 55, dated 19.11.2014 "On the organization of testing of candidates for the exercise of teacher's profession in pre-university education system "; • Instruction no. 40, dated 9.10.2015 "On the organization of testing of candidates for the exercise of teacher's profession in the pre-university education system";

Function	Legal Base
Administration and regulation of pre-school education in kindergartens and kindergartens	<ul style="list-style-type: none"> • Instruction no. 38, dated 7.10.2014 "On criteria for auxiliary teacher for disabled students in public institutions of the pre-university education system"; • Instruction no. 35, dated 30.9.2014 "On procedures for parallel movement, appointment and dismissal of teachers in public institution of the pre-university education system"; • Instruction no. 38, dated 6.10.2015 "On Procedures for Parallel Movement, Appointment and Dismissal of Teachers in Public Education Institutions of the Pre-University Education System". • Order no. 343, dated 19.8.2013 "On the adoption of normative provisions for pre-university education system".
Construction, rehabilitation and maintenance of primary health care facilities and development of educational and promotional activities at the local level related to health protection as well as administration of centers and other services in the field of public health	<ul style="list-style-type: none"> • Law No. 10 107, dated 30.3 2009 "On Health Care in the Republic of Albania", as amended; • Law No. 10 138, dated 11.5.2009 "On Public Health", as amended; • DCM no. 419, dated .7., 2018 "On the establishment, organization and functioning of the health care service operator"; • DCM no. 737, dated 5.11.2014 "On financing of public health services of primary health care by compulsory health insurance scheme"; • DCM no. 101, dated 4.2.2015 "On approving the package of health services in the primary public health care funded by the compulsory health insurance fund", as amended; • DCM No.797, dated 29.9.2010 "On the approval of hygiene and sanitary regulation" On the management of bathing water quality "; • Instruction of MoHSP for adoption of the General Regulation "On Contracting of Primary Health Care Services" • Instruction of MoHSP no. 56 dated 29.01.2015 "On the implementation of the DCM No. 737, dated 5.11.2014" On financing of public health care services from the mandatory scheme of health care insurance ";

Function	Legal Base
Planning, administration, development and control of territory	<ul style="list-style-type: none"> • Law no. 107/2014 "On territorial planning and development", as amended; • DCM no. 686, dated 22.11.2017 "On approval of the territory planning regulation"; • DCM no. 725, dated 02.09.2015 "On the organization and functioning of the territory development agency"; • DCM no. 408, dated 13.5.2015 "On the adoption of the the territorial development regulation "; • DCM 1096, dated 28.12.2015, "On the adoption of rules, conditions and procedures for the use and management of public space"; • DCM 671, dated 29.07.2015 "On the approval of the Territorial Planning Regulation"; • Decision of the National Council of Territory No. 01, dated 30.07.2015 "On the determination of the rules and procedures to be followed by the territorial development authorities for the examination of the requests for building permits until the approval of the general local plans" as amended; • Decision of the National Territorial Council no. 17, dated 07.06.2016 "On the examination of applications for development permits and construction within areas of national importance", as amended;
Economic Assistance and Social Care Services	<ul style="list-style-type: none"> • Law no. 9355, dated 10.03.2005 "On Social Assistance and Services", as amended; • DCM no. 955, dated 7.12.2016 "On setting the criteria, procedures, documentation and economic aid amount of benefit in pilot zones"; • Instruction no. 3, dated 17.02.2017 "On the implementation of decision no. 955, dated 7.12.2016, of the Council of Ministers, "On setting the criteria, procedures, documentation and the economic aid amount of benefit "; • DCM no. 618, dated 7.9.2006 "On setting criteria, the documentation and the amount of benefit for persons with disabilities", amended by DCM no. 375 dated 11.06.2014; no. 8381 dated 3.12.2014; no. 197 dated 9.3.2016; • DCM no. 821, dated 6.12.2006 "On the adoption of standards of social care services for the elderly in residential centers"; • DCM no. 822, dated 6.12.2006 "On the approval of standards for social care services for persons with disabilities, residential and daycare centers"; • DCM no. 823, dated 6.12.2006 "On the adoption of standards of social care services for the elderly in day care centers"; • DCM no. 425, dated 27.6.2012 "On setting the criteria and documentation necessary for the admission of persons to public and non-public social care residential centers, ", as amended by DCM no. 839, dated 3.12.2014; no. 106, dated 15.2.2017; • DCM no. 904, dated 12.12.2012 "On setting the criteria, procedures and documentation of the economic aid benefit , in pilot areas/zones", as amended by DCM no. 375 dated 11.06.2014; no. 8381 dated 3.12.2014; no. 197 dated 9.3.2016; • DCM no.114, dated 31.1.2007 "On setting the extent of the contributions of persons in public social care residential institutions, ", as amended by DCM no. 840, dated 3.12.2014; no.107, dated 15.2.2017

Function	Legal Base
Economic Assistance and Social Care Services	<ul style="list-style-type: none"> • DCM no. 431, dated 8.6.2016 "On setting the criteria, documentation, procedures and the amount of disability benefit as well as of the personal assistant and the responsible structures and their duties in pilot areas/zones", as amended by DCM no.150, dated 13.3.2018; • Law no. 121/2016 "For social care services in the Republic of Albania"; • DCM no. 149, dated 13.3.2018 "On the criteria, documentation and procedures for selecting the foster family for children without parental care and the amount of funding for child expenses placed in a foster family"; • DCM no. 111, dated 23.2.2018 "On the establishment and functioning of the social fund"; • Law no. 9669, dated 18.12.2006, "For measures against violence in family relations", as amended; • Instruction no. 816, dated 27.11.2018 "On the adoption of service delivery standards and the functioning of crisis management centers for cases of sexual violence"; • Instruction no. 911, dated 27.12.2018 "On the adoption of standards of provision of social care services in multidisciplinary community centers"; • DCM no. 136, dated 7.3.2018 "On the operation and administration of the National Electronic Registry for Social Care Services "; • Instruction no. 689, dated 2.10.2018 "On the level of food expenditure quotas, in public residential and community social care institutions"; • Instruction no. 597, dated 22.12.2017 "On the approval of the standards of social care services, housing assistance, for persons with disabilities"; • Instruction no. 7, dated 21.4.2017, "On setting the criteria, documentation, procedures amount of benefit the disability allowance and the personal assistant and the responsible structures of their duties in pilot areas"; • Instruction no. 581, dated 18.12.2017 "For the adoption of standards of social care services, household assistance, for the elderly"; • Instruction no. 582, dated 18.12.2017 "For the adoption of standards of social care services, in family home centers, for children 16 to 18 years of age"; • Instruction no. 597, dated 22.12.2017 "On the approval of the standards of social care services, home assistance, for persons with disabilities"; • DCM no. 518, dated 4.9.2018 "For community and residential social care services, criteria, procedures for obtaining them and the amount of personal allowance for the recipients of the organized service"; • DCM no. 135, dated 7.3.2018 "On the adoption of the statute of state social service"; • DCM no. 752, dated 8.9.2010 "For the adoption of guardianship standards for children in need"; • Law no. 8153, dated 31.10.1996 "About orphan status"; • DCM no. 18, dated 12.1.2018 "For subsidizing contract bindings and placing water meters for vulnerable categories"; • DCM no. 231, dated 20.3.2013 "For standards of social care services for children in need, in public and non-public day centers";

Function	Legal Base
	<ul style="list-style-type: none"> • DCM no. 505, dated 13.7.2011 "On the adoption of standards of social care services for victims of domestic violence, residential, public and non-public centers"; • DCM no. 752, dated 8.9.2010 "For the approval of the standards of guardianship service for children in need"; • Instruction no. 6, dated 21. 05. 2014, "On child placement procedures in residential, public and non-public social care institutions".
Culture, sports and entertainment services	<ul style="list-style-type: none"> • Law no. 79/2017 "For the sport"; • DCM no. 306, dated 24.5.2006 "On the approval of the list of sporting goods and equipment, to be exempted from customs duties and exclusion procedures", as amended.
Culture, sports and entertainment services	<ul style="list-style-type: none"> • Law no. 27/2018 "For cultural heritage and museums" • Instruction no. 5110, dated 13.10.2015 "For rental and management of cultural monuments in order to revitalize • Law no. 112/2013 "For decorations, honorary titles, medals and local honorary titles in the Republic of Albania", as amended; • DCM no. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons who will exercise activities in the field of study and design in construction and surveillance and surveying of construction work as amended; • Law no.10352, dated 18.11.2010 "For Art and Culture", as amended; • Law no. 8576, dated 3.2.2000 "For libraries in the Republic of Albania", as amended; • Law no. 9616, dated 27.9.2006 "For the book in the Republic of Albania", as amended;
Municipal functions in the field of environmental protection	<ul style="list-style-type: none"> • Law no. 10431, 09.06.2011 "For environmental protection"; • Law 162/2014 "For the protection of air quality in the environment"; • Law no. 9774, 12.07.2007 "For the assessment and management of noise in the environment"; • Law no. 9774, 12.07.2007 "For the assessment and management of noise in the environment", as amended by the law 39/2013 • Law no. 9115, dated 24.7.2003 "For the environmental treatment of wastewater" • Law 111/2012 "On integrated water resources management " • DCM no. 633, dated 26.10.2018 "For measures against air pollution from discharges of motor vehicles and reduction of air emissions of gaseous pollutants and solid suspended matter from positive ignition engines and compression ignition engines that burn natural or liquefied gas for use in vehicles" • DCM no. 908, dated 21.12.2016 "For the determination of measures for limiting the discharge of volatile organic compounds by the use of organic solvents in certain activities and installations" • DCM no. 352, 29.04.2015, "For the assessment of ambient air quality and requirements for some pollutants related to it" • DCM no. 246, 30.04.2014 "For determining the environmental quality norms for surface water" • DCM no. 177, 31.03.2005 "For allowed liquid discharge rates and vessel water enforcement criteria" • Instruction No.8, dated 27.11.2007 "For noise level levels in certain environments"

Function	Legal Base
Administration, use and maintenance of irrigation and drainage infrastructure, transferred to their ownership	<ul style="list-style-type: none"> • Law no. 24/2017, dated 9.3.2017 "For the management of irrigation and drainage"; • Law no. 9817, dated 22.10.2007 "For agriculture and rural development"; • Law no. 111/2012 "On integrated water resources management ", as amended; • DCM no. 709, dated 29.10.2014 "On the adoption of the cross-cutting strategy for rural and agricultural development 2014-2020"; • Law no.8752, dated 26.3.2001 "On the establishment and functioning of land management and protection structures", as amended; • DCM no. 121 dated 17.02.2011 "On ways of exercising functions from the directorates of land administration and protection in the communes and / or municipalities"; • DCM no. 64, dated 23.1.2003 "For determining the number of employees in the administration and land protection sections, in the counties' councils and land management and protection offices, in municipalities", as amended; • Law no. 9244 dated 17.6.2004 "On protection of agricultural land", as amended; • DCM no. 59, dated 28.1.2005 "To carry out analysis of the values of agricultural land indicators"; • DCM no. 80, dated 28.1.2005 "On the composition, modes of operation, duties and responsibilities of state structures for the protection of agricultural land"; • DCM no. 512, dated 13.9.2017 "On defining the state responsibility of the ministry of agriculture and rural development rural"; • DCM no. 437, dated 17.5.2017 "For the creation, organization and operation of irrigation and drainage departments Lezhë, Durrës, Fier and Korçë"; • DCM no.1108, dated 30.12.2015, "For the transfer from the Ministry of Agriculture, Rural Development and Water Management to municipalities, irrigation and drainage infrastructure, personnel and movable and immovable assets of regional drainage boards"; • Law no. 8681, dated 2.11.2000, "For the design, construction, use and maintenance of dams"; • DCM no. 147, dated 18.3.2004, "On the adoption of the regulation on the safety of dams".

Function	Legal Base
Administration and protection of agricultural land and other categories of resources	<ul style="list-style-type: none"> • Law no. 8752, dated 26.3.2001 "On the establishment and functioning of land management and protection structures", as amended; • DCM no 121 dated 17.02.2011 "On ways of exercising functions from the directorates of administration and protection of land in communes and / or municipalities"; • DCM no. 64, dated 23.1.2003 "On determining the number of employees of the administration and land protection sections, in the counties' councils and land management and protection offices, in communes and / or", as amended; • Law no. 9244 dated 17.6.2004 "On protection of agricultural land", as amended; • DCM no. 59, dated 28.1.2005 "To carry out analysis of the values of agricultural land indicators"; • DCM no. 80, dated 28.1.2005 "On the composition, modes of operation, duties and responsibilities of state structures for the protection of agricultural land"; • Law no. 7836 dated 22.6.1994 "For the price of agricultural land for compensation", as amended; • Law no. 8053 dated 21.12.1995 "For the transfer of ownership without remuneration of changed agricultural land"; • Law no. 8110 dated 28.3.1996 "For the forgiveness of the tax on agricultural land"; • Law no. 8312 dated 26.3.1998 "For inseparable agricultural lands"; • DCM no. 531, dated 21.8.1998 "For inseparable agricultural land ", as amended; • Instruction of KM no. 1, dated 18.7.2012 "For lease procedures of inseparable agricultural land"; • Order MARD no. 234, dated 9.7.2007 "For the approval of the content and form" of the "typical contract for lease of unpolluted agricultural land, state property" and "types of demand for tenancy of agricultural land"; • Law no. 8318 dated 1.4.1998 "For the lease of agricultural and forestry land, meadows and pastures that are state property", as amended; • DCM no. 830, dated 28.12.1998 "For the criteria for calculating the annual value of lease of agricultural, forestry, forestry, meadows and pastures, state property", as amended; • DCM no. 460, dated 22.5.2013 "On determining the criteria, rules and procedures for leasing agricultural land owned by the state", as amended; • Instruction of MBUMK no. 6, dated 5.6.2013 "On the evaluation criteria and the method of calculating the criteria for the evaluation of bids for the lease of agricultural land owned by the state" • Law no. 8337 dated 30.4.1998 "For the transfer of ownership of agricultural land, forest, meadows and pastures"; • Law no. 9948 dated 7.7.2008 "For reviewing the legal validity of the creation of property titles on agricultural land", as amended; • DCM no. 224, dated 19.2.2009 "On procedures for creating acquisitions of owned agricultural land as a consequence of the corrections made by the local property valuation commission"

Function	Legal Base
	<ul style="list-style-type: none"> • DCM no. 253, dated 6.3.2013 "On the determination of the procedures for completing the acts of acquiring agricultural land owned by the agricultural families in the villages of former agricultural cooperatives", as amended; • Law no. 171/2014 dated 18.12.2014 "On completion of legal procedures for the transfer of agricultural land of former agricultural enterprises owned by beneficiaries", as amended; • DCM no. 337, dated 22.4.2015 "On determining the procedures for conducting the process of transferring agricultural land to former agricultural enterprises owned by beneficiaries", as amended; • DCM no. 138, dated 23.2.2018 "On the temporary suspension of the transfer procedures owned by "agricultural land beneficiaries of former agricultural enterprises and the registration of land acquisition acts in the area of importance for the strategic investment support fund"; • Law no. 33/2012 dated 21.3.2012 "On registration of immovable property", as amended; • Law no. 7501 dated 19.7.1991 "On changed land", as amended • Decision of KM no. 255, dated 2.8.1991 "On land allocation criteria", as amended; • DCM no. 371, dated 11.10.1991 "On the criteria and rules of construction of buildings and installations on agricultural land owned and used, serving agricultural and livestock exploitation"; • DCM no. 231, dated 19.5.1993 "For lands that are refused to be owned"; • DCM no. 97, dated 15.2.2006 "On the composition of the land government commission" • Law no. 8752 dated 26.3.2001 "On the establishment and functioning of structures on administration and protection", as amended; • DCM no 410, dated 27.6.2012 "For determining the rules and procedures for changing the categories of land resources"; • Instruction of MBUMK no. 1, dated 20.2.2006 "On changing the category of agricultural land and resource categorization"; • Instruction of MBUMK no.11, dated 10.10.2007 "For reflection on documentation of changes in resource category and transfer of cadastral items"; • Order of MBUMK nr.183, dated 26.5.2011 "For utility tariffs performed by district administration and land management directories"; • Instruction of MBZHRAU no. 5, dated 13.3.2017 "For the creation of information on agricultural land by the implementation of the program sustainable management of agricultural land"; • DCM no. 994, dated 9.12.2015 "On the procedure of registration of ownership acquisitions", as amended; • Law no. 7832 dated 16.6.1994 "For the price of land that is compensated", as amended; • Law no. 7980 dated 27.7.1995 "On sale of land", as amended; • DCM no. 201, dated 26.3.1998 "On the criteria for using proceeds from the sale and lease of land", as amended;

Function	Legal Base
	<ul style="list-style-type: none"> • DCM no. 35, dated 24.1.2007 "On procedures and forms of sale of land, equipped with infrastructure, for market purposes"; • DCM no 456, dated 16.4.2008 "For evaluation and sales procedures, as well as the criteria for determining the sale price of the land to the families that benefit low-cost housing", • DCM no. 1129, dated 5.8.2008 "On the manner of determining the value of the plot, put, by its owners, available to the construction investors", • Law no.133/2015 dated 5.12.2015 "On the treatment of property and the completion of the property compensation process", as amended; • DCM no. 221, dated 23.3.2016 "On the manner of organization and functioning of the property treatment agency"; • DCM no. 222, dated 23.3.2016 "On the treatment of claims for recognition of the right to compensation of property", as amended; • DCM no. 223, dated 23.3.2016 "On definition of rules and procedures for the evaluation and allocation of financial and physical funds for property compensation", as amended; • Law no. 10 239 dated 25.2.2010 "On the establishment of a special property compensation fund", as amended; • Law no. 9948, dated 7.7.2008 "To review the legal validity of the creation of property titles on agricultural land", • DCM no.1269, dated 17.9.2008 "For the purpose of the operation, and the duties of the heads of state structures responsible for the review of the legal validity of the creation of property titles on agricultural land".
Creation and administration of the local information and agricultural and rural information system, according to the legislation in force	<ul style="list-style-type: none"> • Law no. 9817, dated 22.10.2007, "For agriculture and rural development"; • DCM no. 709, dated 29.10.2014 "On the adoption of the cross-cutting strategy for rural and agricultural development 2014-2020", as amended.

Function	Legal Base
Administration of the local forest and pasture service	<ul style="list-style-type: none"> • Law no. 9385, dated 4.5.2005 "For forests and forest service", as amended; • Law no. 9693, dated 19.3.2007 "For the pasture fund", as amended; • Law no. 5/2016, dated 4.2.2016 "On declaring the forest moratorium"; • DCM no. 814, dated 31.12.2018 "On approving the forest policy document in Albania, 2019–2030"; • DCM no. 103, dated 4.2.20151 "On the establishment and manner of organization and functioning of the state inspectorate of environment, forests and waters", as amended; • DCM no. 433, dated 8.6.2016 "For the transfer of ownership of forests and pastures, municipalities"; • DCM no. 632, dated 11.06.2009 "On approval of the fees for the use of pastures and meadows for grazing and mowing", • DCM no. 1353, dated 10.10.2008 "For determining the rules for filing a claim and removal procedures from the forest fund", as amended; • DCM no.1374, dated 10.10.2008 "For determining the rules for filing a claim and removing procedures from a grazing fund", as amended; • DCM no. 391, dated 21.6.2006 "On the determination of tariffs in the forest and pasture sector", as amended; • DCM no.1354, dated 10.10.2008 "To determine the damage value in the pasture fund"; • DCM no. 438, dated 8.6.2016 "For the criteria and rules of forest utilization and sale of wood material"; • DCM no.1080, dated 22.12.2010 "On the rules for the prevention and suppression of fires in forests and pastures, as well as for the creation of a voluntary firefighting unit"; • DCM no. 22, dated 09.1.2008 "For defining the procedures and criteria for municipal forest management"; • DCM no. 48, dated 31.1.2007 "For the determination of rules for keeping, composition, terms of use and replacement of uniforms and of equipment and other means, for use by forestry staff"; • Instruction no. 2 dated 3.3.2017 "For the technical requirements for the assignment of plots, group plots and forestry economies for regenerative cutting treatments, rules for harvesting of wood material for the purpose of providing firewood for heating"; • Instruction no. 4, dated 12.9.2008 "For the maintenance of the forest and pasture cadaster"; • Instruction no. 2 dated 20.7.2017 "For the technical criteria for the classification of pastures and meadows and the procedures for their provision for grazing and grazing"; • Instruction no. 1 dated 9.6.2016 "On the rules, the examination procedures and the requests for the use of the public forest and pasture fund"; • Instruction no.1 dated 26.1.2017 "For the maintenance of the forest and pasture cadaster"; • Instruction no. 4, dated 25.8.2010 "For the technical requirements for the assignment of plots and grids for use, rules for harvesting of wood material

Function	Legal Base
	<p>and auctioning of timber and other forest and non-wood products”, as amended;</p> <ul style="list-style-type: none"> • Instruction no.4, dated 25.8.2010 “For the technical requirements for the assignment of plots and grids for utilization, the rules for the collection of wood material and the auction sale of timber and other forest and non-wood products”.
Protection of nature and biodiversity	<ul style="list-style-type: none"> • Law no. 9587, dated 20.7.2006 “On biodiversity protection”, as amended; • Law No. 81, dated 04.05.2017 “On Protected Areas”; • Law No. 9244, dated 17.06.2004 “On Protection of Agricultural Land”, as amended; • Law no. 8905, dated 6.6.2002 “On the Protection of the Marine Environment from Pollution and Damage”, as amended; • Law no. 9362, dated 24.3.2005 “On the Plant Protection Service” • DCM no. 31, dated 20.1.2016 “On the adoption of the Policy Paper on Biodiversity Protection Policy”; • Law no.10431, dated 09.06.2011 “On environmental protection”; • Law No.91 dated 28.02.2013 “On Strategic Environmental Assessment”; • Law no.10440, dated 07.07.2011 “On the assessment of the impact on the environment” • Law no.10 120, dated 23.4.2009 “On the protection of the medicinal plant, the herbivore and natural tanks”; • Law no. 75/2016 On the ratification of the Paris Accord, within the framework of the United Nations Framework Convention on Climate Change • DCM no. 762, dated 16.9.2015 “On the approval of the document for determining the National Targeted Contribution towards achieving the objective of the United Nations Framework Convention on Climate Change” • Law No. 9108, dated 17.7.2003 “On Chemical Substances and Preparations”, as amended; • Law no.10 390, dated 3.3.2011 “On fertilizers of use for vegetation”; • Law No. 8531, dated 23.9.1999 “On the Control of Fertilizer Fertilizers”; • Law No. 9385, dated 4.5.2005 “On Forests and Forest Service” as amended, • Law No. 9693, dated 19.3.2007 “On the Pastoral Fund” amended; • Law No. 5/2016, dated 4.2.2016 “On the promulgation of the forest moratorium”; • DCM no. 814, dated 31.12.2018 “On approving the forestry policy document for Albania, 2019-2030”; • DCM No.391, dated 21.6.2006 “On the determination of tariffs in the forest and pasture sector”, as amended; • DCM no.1354, dated 10.10.2008 “On the determination of damage value in the pasture fund”; • DCM no. 438, dated 8.6.2016 “On the criteria and rules of forest utilization and sale of wood material”; • DCM No. 1080, dated 22.12.2010 “On the rules for the prevention and suppression of fires in forests and pastures, as well as for the creation of a voluntary firefighting unit”; • DCM no. 22, dated 09.1.2008 “On the determination of procedures and criteria for municipal forest management”; • Instruction No. 2 dated March 3, 2017 “On the technical requirements for the designation of plots, group grenades and forestry economies for regenerative cutting operations, rules for the collection of wood material for the provision of firewood for heating”;

Function	Legal Base
	<ul style="list-style-type: none"> • Instruction No. 2 dated 20.07.2017 "On the technical criteria for classification of pastures and meadows and procedures for their provision for grazing and grazing"; • Instruction No. 1 dated 9.6.2016 "On the rules of examination procedures and requests for the use of public forest and pasture fund"; • Instruction no. 4, dated 25.8.2010 "On the technical requirements for the allocation of plots and grids for use, the rules for harvesting of wood material and auctioning of timber and other forest and non-wood products", as amended;
Local economic development	<ul style="list-style-type: none"> • Law 139/2015 "For local self-government". • Law 68/2017 "For the finances of local self-government". • Law no. 9789, dated 19.7.2007 "For the establishment and operation of economic zones", amended the law no. 54/2015, dated 28.05.2015. • Law no. 45/2013 "For some amendments and additions to law no. 7643, dated 2.12.1992 "for public health and state sanitary inspectorate", as amended. • DCM no.1081, dated 21.10.2009 "On the organization and functioning of the national food authority". • Law no. 8224, dated 15.5.1997 "On the organization and functioning of the municipal police", as amended. • Law no. 10 465, dated 29.9.2011 "For the veterinary service in the Republic of Albania", as amended. • Instruction no. 23, dated 30.7.2018 "For the standard procedures for preparing the medium-term budgetary program of the local self-government units". • Law no. 107/2014, "On territorial planning and development", as amended. • DCM no. 1096 dated 28.12.2015 "For the adoption of rules, conditions and procedures for the use and management of public space". • Law no. 9632, dated 30.10.2006 "For the local tax system", as amended. • Law no. 131/2015 "For the National Business Center". • Order no.1556.1, dated 30.3.2016 "To approve the number and spread of the National Business Center's counters". • Order no. 2513, dated 30.03.2016 "For the approval of format forms and certificates for the performance by the National Business Center of registration, licensing and permitting functions". • Law no. 9374, dated 21.4.2005 "For state aid", as amended by law no.10 183, dated 29.10.2009, no. 21/2016, dated 10.3.2016. • DCM no. 817, dated 28.12.2005, "On approval of the regulation" on procedures and forms of notification".

Function	Legal Base
Civil protection at the local level and administration of relevant structures	<ul style="list-style-type: none"> • Law no.8756, dated 26.3.2001 "On civil emergencies", as amended; • DCM no. 206, dated 26.3.1998 "On criteria for state participation in coping with disasters in case of disasters"; • DCM no.835, dated 3.12.2004 "On approval of the national emergency plan"; • DCM no. 664, dated 18.12.2002 "On criteria and procedures for announcement of the civil emergency situation"; • DCM no. 655, dated 18.12.2002 "For the establishment and functioning of the structure of the national system of planning and coping with civil emergencies"; • DCM no. 663, dated 18.12.2002 "On the composition, functioning and responsibilities of the technical advisory commission of civil emergency specialists"; • DCM no. 654, dated 18.12.2002 "For the determination of tariffs for temporary use by state bodies, emergency situations, any private vehicle"; • DCM no. 532, dated 1.8.2003 "On the responsibilities and tasks of the department of planning and coping with civil emergencies"; • DCM no. 531, dated 1.8.2003 "On the organization, functioning, duties and responsibilities of civil emergency services"; • DCM no. 533, dated 1.8.2003 "On the participation of citizens in preventing and dealing with civil emergencies" • Law no. 111/2012 "On Integrated Water Resources Management", as amended; • DCM no. 73, dated 7.2.2018 "On the adoption of the National Strategy for Integrated Water Resources Management, 2018–2027" • Law no. 8756, dated 26.03.2001 "For civil emergencies", as amended; • DCM no. 655, dated 18.12.2002 "For the establishment and functioning of the structure of the national system of planning and coping with civil emergencies"; • DCM no 531, dated 01.08.2003 "On the organization, functioning, duties and responsibilities of civil emergency services". • DCM no. 965, dated 2.12.2015 "On the inter-institutional cooperation of management structures, in cases of civil emergencies and crises"; • DCM no. 502, dated 13.9.2017 "On the determination of the Ministry of Interior's State Responsibility Field", as amended; • Law no. 107/2014 dated 31.07.2014 "On territorial planning and development", as amended; • DCM no. 408 "On the adoption of the territorial development regulation", as amended; • Law no. 8402, dated 10.9.1998 "For the control and discipline of construction works", as amended; • Law no. 9290 , dated 7.10.2004 "For construction products", as amended; • Law no. 10433, dated 16.6.2011 "For inspection in the Republic of Albania", as amended; • Law no. 9780, dated 16.7.2007, "For inspection of construction", as amended; • Law no. 9643, dated 20.11.2006 "For public procurement", as amended; • DCM no. 504, dated 13.9.2017 "To determine the scope of state responsibility of the Ministry of Infrastructure and Energy".

Function	Legal Base
	<ul style="list-style-type: none"> • Law no.8681, dated 2.11.2000 "For Design, Construction, Use and Maintenance of Dams", as amended; • DCM no.147, dated 18.3.2004 "On the adoption of the regulation on the safety of dams".
<p>Ensuring community relationship performance, prevention and mediation to resolve conflicts in the community</p> <p>Preventing administrative offenses, strengthening, inspecting and monitoring the implementation of regulations and acts of units of local self-government</p>	<ul style="list-style-type: none"> • Law no.7850, dated 29.7.1994 Code of Civil Procedure of the Republic of Albania, as amended; • Law no.10 112, dated 9.4.2009 "On the administration of joint ownership in residential buildings"; • Law no. 8224, dated 15.5.1997 "On the organization and functioning of the municipal and commune police", as amended.

ANNEX C: CONSULTED REPORTS AND DOCUMENTS

Water Regulatory Authority, 2017, "Performance Report in the Water and Sewerage Sector 2017".

dldp, (2016). CSDLG monitoring report for the period July 2015 - August 2016.

dldp, (2017). Second monitoring report CSDLG.

Council of Europe, (1985). European Charter of Local Self-Governance.

Council of Europe, (2015). Opinion of the Council of Europe on the draft law on the organization and functioning of local self-government in Albania.

Council of Europe, Congressional Recommendations for Local and Regional Democracy, (2016). Comparative Analysis on the Implementation of the European Charter of Local Self-Governance in 47 Member States.

Ministry of Local Affairs (2015). Crosscutting Strategy for Decentralization and Local Governance 2015 - 2020.

High State Control (2018). Audit Report of Performance – Functioning of Municipalities, in the framework of the administrative-territorial reform.

Shapo, O., Pfaeffli, S., Titka, M., (2016). Monitoring of the new functions that the local government transferred to municipalities. dldp.

UNDP, (2016). International Evaluation of the Situation of Local Government in Albania.

Vokopola, E. (2014). The creation of a effective dialogue mechanism between the central and local government in Albania.

Vokopola, E. (2016). Local organization of the territory of Albania.

Ymeri, S., Titka, M., Pfaeffli, S., Clavelle, P. (2018). The report of Medium-term review of the Intersectoral Strategy for Decentralization and Local Government (2015-2020).

ANNEX D: MUNICIPALITY CONSULTED STAKEHOLDERS

No.	Name Surname	Institution	Department
1	Astrit Vata	Municipality Kamëz	Department of Economic Assistance and Social Affairs
2	Fatma Tane	Municipality Kamëz	Department of Draining and Irrigation, Forestry
3	Vjollca Smaçi	Municipality Kamëz	Directorate of Finance
4	Odeta Bajraktari	Municipality Kamëz	Legal Department
5	Gani Berisha	Municipality Kamëz	Directorate of Education and Sports
6	Ardian Peka	Municipality Kamëz	Directorate of Education and Sports
7	Gentiana Bushi	Municipality Kamëz	Director of Tax Office
8	Bardhyl Gjana	Municipality Kamëz	FPR Department
9	Xhelal Muça	Municipality Kamëz	Public Cleaning and Parks
10	Tomorr Kotarja	Municipality Kamëz	Water Supply and Sewerage Enterprise
11	Alti Doçi	Municipality Kamëz	Water Supply and Sewerage Enterprise
12	Fiqerete Resulaj	Municipality Kamëz	DPKZHT
13	Enkeleda Balshi	Municipality Kamëz	Public Services Directorate
14	Ndriçim Halili	Municipality Kamëz	Legal Department
15	Thasan Koroveshi	Municipality Korçë	Agricultural Sector
16	Johan Marko	Municipality Korçë	Forestry Sector
17	Irma Themeli	Municipality Korçë	Environmental Protection Sector
18	Mirela Balli	Municipality Korçë	Department for Management of Buildings for social housing
19	Koço Cicko	Municipality Korçë	FPR Department
20	Denada Tabaku	Municipality Korçë	Directorate of Finance
21	Elia Pendavinji	Municipality Korçë	Commercial Directorate
22	Kristina Dishnica	Municipality Korçë	Commercial Directorate
23	Pandush Nando	Municipality Korçë	Legal and Human Resources Directorate
24	Leonard Gjançi	Municipality Korçë	Contract Management Directorate
25	Tatjana Marash	Municipality Korçë	Multisport Club
26	Xhorxh Korllorof	Municipality Korçë	Civil Emergency Sector
27	Zhaneta Lubonja	Municipality Korçë	Directorate of Urban Planning and Territory Planning
28	Lorenc Palodhi	Municipality Korçë	Sector of Food Control
29	Asgesi Ruko	Municipality Roskovec	Agricultural Directorate
30	Delina Hoxha	Municipality Roskovec	Legal Department
31	Isa Hoxha	Municipality Roskovec	Vice Mayor
32	Rakip Hyrrej	Municipality Roskovec	Department of Territorial Development
33	Habibe Hajdini	Municipality Roskovec	Environmental Sector
34	Mariglen Rroko	Municipality Roskovec	Civil Emergency Sector
35	Shkëlqim Plaku	Municipality Roskovec	KIMT
36	Donika Goga	Municipality Roskovec	Taxation Sector
37	Elis Apostoli	Municipality Roskovec	Social Services Sector
38	Selman Çepele	Municipality Roskovec	Directorate of Finances
39	Arben Dukaj	Municipality Roskovec	Public Services Directorate
40	Manjola Vrapit	Municipality Roskovec	Project Office
41	Brisilda Nazëraj	Municipality Roskovec	Water Supply and Sewerage Enterprise
42	Vilson Naçi	Municipality Roskovec	Water Supply and Sewerage Enterprise

ANNEX E: CONSULTED STAKEHOLDERS AT CENTRAL LEVEL

No.	Name Surname	Institution	Department
1	Fran Ibrahim	Ministry of Finance and Economy	Local Finance Directorate
2	Dukate Dodaj	Ministry of Defence	Planning and Coordination Directorate
3	Shaban Qesaraku	Ministry of Defence	DPKEC
4	Alfred Kutali	Ministry of Defence	MZSH
5	Fit Tola	Ministry of Defence	MZSH
6	Klodiana Marika	Ministry of Tourism and Environment	Directorate of Environmental Development Program
7	Ornela Shoshi	Ministry of Tourism and Environment	Sector VNM - VSM
8	Elvana Ramaj	Ministry of Tourism and Environment	Sector of Environment, Nature and Biodiversity
9	Rezart Fshazi	Ministry of Tourism and Environment	Sector of Environmental Protection Program
10	Rovena Agalliu	Ministry of Tourism and Environment	Directorate of Environmental Policies
11	Admir Jeci	Ministry of Tourism and Environment	Forestry and Pasture Sector
12	Ilir Hoxha	Ministry of Tourism and Environment	Forestry and Pasture Sector
13	Ermal Halimi	Ministry of Tourism and Environment	MTM
14	Enea Hoti	Ministry of Agriculture and Rural Development	General Directorate of Regulation and Compliance in Agriculture
15	Arben Mukaj	Ministry of Agriculture and Rural Development	Irrigation and Drainage Department
16	Mimoza Shahini	Ministry of Agriculture and Rural Development	Land Administration Sector
17	Arjan Kospiri	Ministry of Infrastructure and Energy	Public Transport Sector
18	Arjan Budo	Ministry of Infrastructure and Energy	Public Transport Sector
19	Ina Kacorri	Ministry of Health and Social Protection	State Social Service
20	Denada Seferi	Ministry of Health and Social Protection	State Social Service
21	Eneida Capo	Ministry of Health and Social Protection	The Disability Development and Economic Aid Sector
22	Anjeza Koroni	Ministry of Health and Social Protection	State Social Service
23	Xhilda Papajani	Ministry of Health and Social Protection	Social Services Development Programs Sector
24	Lida Leskaj	Ministry of Health and Social Protection	State Social Service

DIGITAL ANNEX

Attached to the report in digital format [CD]

1. Matrixes MS EXCEL for each function

Sheet 1: Organisation Chart

Sheet 2: Administration

Sheet 3: Regulation

Sheet 4: Monitoring & Evaluation

Sheet 5: Legal Basis

Sheet 6: Recommendation

2. Matrixes COMPILATION for each function

