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LAW

No 107/2014

ON TERRITORY PLANNING AND DEVELOPMENT

(Amended by Law no. 73/2015, dated 9.7.2015,

Amended by no 28/2017, dated 23.3.2017)

In reliance on Articles 78 and 83, par 1, of the Constitution, upon the proposal of the Council of Ministers,

ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

This law aims at:

- a) ensuring the sustainable development of the territory through the rational use of land and natural resources;
- b) assessing the current and prospective potential for the development of the territory at national and local level, based on the balancing of natural resources, economic and human needs and public and private interests, coordinating the work for:
 - i) protection of natural resources such as land, in particular arable land, air, water, forests, flora, fauna, landscapes;
 - ii) the creation and guarantee of construction-related territories, organized in a harmonized and functional way, giving priority to public space, the possibility of housing for all economic and social strata, the creation of appropriate physical infrastructure to stimulate investment in the exercise of economic, social and cultural activities, facilitating the safe use of public utilities,

- commodities, transport, communication and infrastructure, including adapted territories;
- iii) promoting economic, social and cultural life at the national and local level;
 - iv) the provision of sufficient and especially vital supply sources;
 - v) guaranteeing the conditions for safety of life and public health, public order and national security;
 - (vi) promoting balanced regional development to ensure sustainable population distribution in the country on the basis of resources;
- c) promoting appropriate actions for the protection, restoration and enhancement of the quality of natural and cultural heritage and for the conservation of biological diversity, protected areas, natural monuments, sensitive environmental and landscape areas;
- ç) enabling the right to use and develop the property, in accordance with the planning documents and according to the environmental legislation in force;
- d) creating suitable conditions and equal opportunities and rights for housing, economic and social activity for all social categories, economic and social cohesion and enjoyment of property rights;
- dh) Ensuring that national and local planning authorities draft and regularly update planning documents, in accordance with market requirements and social needs;
- e) Ensuring that planning authorities co-ordinate their planning activities to promote harmonized and integrated territorial planning.

Article 2

Scope

The purpose of this law is to determine the basic principles, responsibilities and rules for the planning and development of the territory in the Republic of Albania.

Article 3

Definitions

(Par 1, 33, 38 amended and par 39/1, 44/1 added by Law no 28/2017, dated 23.3.2017)

In this law, the following terms have these meanings:

1. "The National Territorial Planning Agency (NTPA)" is an institution with planning responsibilities within the ministry responsible for territorial planning issues.
2. "Planning Authorities" are the public bodies and institutions that have responsibility for the planning and development of the territory, in accordance with Article 5 of this Law.

3. "Construction Inspection Authorities" are the bodies defined in the construction inspection legislation.
4. "Merging for Development Purposes" is the merging of two or more parcels into a single one, for development purposes, in accordance with the definitions provided for in this Law, by-laws for its implementation and planning documents.
5. "GIS state-run database" is a summary of all territorial planning documents, according to the definition of geo-spatial data legislation, in accordance with the principles of GIS and the individual layers of maps prepared using digital media.
6. "Utilisation Certificate" is an official document issued by the responsible authority upon the approval of the application, which certifies that the construction is in compliance with the conditions of the construction permit and that the works carried out and the construction are suitable for use.
7. "Issues, Areas and Objects of National Importance in Territorial Planning" are those issues, areas and objects that are united or linked to state or national interests.
8. "Preliminary declaration of works performance" is a statement filed with the responsible planning authority for works that do not require the issuance of a construction permit, according to the provisions of this law and bylaws issued for its implementation.
9. "Planning Documents" are official planning documents that are drafted and implemented in the territory at central and local level, in accordance with Article 16 of this Law.
10. "Right to Development" is the legal right to develop a parcel and / or an area, in accordance with planning and development control documents. The right to development is distinct from the ownership right and is awarded by the local planning authority, which has the authority to regulate the use of land under its jurisdiction, in accordance with the applicable legal provisions. Development rights can be maintained by the landowner, exchanged or sold.
11. "Public Infrastructure" shall mean the entirety of existing or planned networks, installations and constructions as well as public spaces aimed at the realization of public services in the areas of transport, energy, water management, electronic communications, education, health, waste management and environmental protection, natural and cultural resources management, national, civil and fire protection, and other similar areas benefiting the public. Public infrastructure has a national or local character and is put in place with public or private investment.
12. "Request for Development" is a request filed with the responsible planning authority for construction and work permits, which contains the documentation specified in this law and bylaws for its implementation.
13. 'The National Territorial Council (NTC)' is a collegial body that functions within the Council of Ministers and is chaired by the Prime Minister.

14. "Development Control" is the process under which the responsible planning authority assesses and decides whether a development request, a request for construction, a work or construction complies with approved planning, development and development control documents, the construction code and the requirements of the legislation in force.
15. "Development Conditions" are the conditions set out in the detailed local plan or, in the absence of the general local plan and, in the absence of both, designated by the planning authority serving as the basis for compiling the necessary documentation for the provision with construction permit.
16. "Construction permit" is the act of approval of the request for construction permits and permitting the respective works.
17. "Development permit" is the act of defining the development conditions for a given parcel/property, which serves as the basis for obtaining a building permit.
18. "Tacit approval" means the act of obtaining the right to develop, carry out works or use the building without the approval of the planning authority if the approval or refusal of the request has not been issued within the time limit provided by the relevant provisions of this law.
19. "Traditional means of information" are:
 - a) electronic register;
 - b) electronic mail;
 - c) a public announcement, which is displayed at the planning authority's premises and in other areas that are widely accessible by the public;
 - ç) announcement in national or local electronic media;
 - d) publication in newspapers of local government or in the two most widely read newspapers at the national level.
20. "Construction" is any building that is being built or installed in the territory, with fixed or temporary placement, and which takes place under and / or on the ground.
21. "Construction / work without permission" means those processes and / or construction works carried out in the absence of a construction permit, a preliminary declaration for the completion of works or carried out under the circumstances of an abrogated permit.
22. "Construction in violation of the permit" are works and / or constructions carried out in violation of the technical and / or legal conditions and criteria of the permit, despite accomplishing additional works and volumes in construction.
23. "Subdivision for Development Purposes" is the division of a parcel into two or more parcels for development purposes, in accordance with the manner set out in this law, by-laws for its implementation and planning documents.
24. "Territorial structural units" are the smallest areas in which the administrative territory of a local unit of first level is allocated for development purposes. Structural units are created in

the local planning process and have uniform development conditions, which are disaggregated at the parcel level, according to the definitions of the general local plan and / or development documents, in accordance with the provisions of this law.

25. "Public Notice" means the prior notification to the interested parties and / or the public, conducted in sufficient time, through one or more of the traditional means of information, with a view to informing the interested parties of the time, place and purpose of the public meeting, according to this law.

26. "Interested Party" means any natural or legal person or state authority or body whose lawful rights or interests, be those individuals or jointly, are likely to be affected by a planning, development or control document of development.

27. "Parcel" is the land area identified by the cadastral parcel number and registered in the immovable property register.

28. "Land Use" is the use of land and structures, as provided in planning documents.

29. "Detailed Local Plan" is the document detailing the definitions of the overall local plan at the level of one or several structural units and specifying the conditions for the development of an area through building permits.

30. "Simplified Procedure" means the procedure, which aims to shorten the timelines of the planning process of planning documents, in accordance with the provisions of this law.

31. "Draft acts" are draft decisions of planning authorities and project planning and development planning projects prior to being approved by the relevant authority.

32. "Works or construction works" is any measure or process for accomplishing construction.

33. The "National Territorial Planning Register", hereunder the register, is the state database, according to the definition of the relevant legislation, in which the national and local authorities independently register the data on the territory, the planning documents, under adoption process or already adopted, together with legal rights or limitations deriving from them, as well as studies or other materials in the function of planning and of interest to the public, according to the provisions of the applicable legislation.

34. "Repair" means works intended to restore a building to acceptable conditions by repairing, replacing, or repairing damaged or degraded parts.

35. "Planning Regulation" is a regulation approved by the Council of Ministers decision, which sets unified rules for the content and structure of planning documents, according to Chapter II of this law.

36. "Development Regulation" is a regulation adopted by a Council of Ministers decision defining detailed conditions and procedures for the implementation of development management instruments and the content, structure and procedure for approving development control documents, according to Chapter III of this law.

37. "Construction Regulation" is a regulation adopted by a Council of Ministers decision defining the mandatory basic technical norms and conditions to guarantee the sustainability of structures, emergency spaces, adequate lighting and ventilation, energy conservation and life safety, in connection with new facilities and existing ones, to protect the public health, safety and general well-being of residents, as well as to adapt the spaces for use by persons with disabilities. The Regulation is based on international standards and includes technical standards tailored for Albania.

38. "Regulation of the National Territorial Planning Register" is the regulation adopted by the Council of Ministers decision, which sets out the rules for the administration and maintenance of the data as well as the obligations of public authorities and other natural and legal persons concerning the maintenance and delivery of documents and data in the register.

39. "Geographic Information System (GIS)" is the system defined and regulated by geospatial information legislation.

39/1. "Electronic Permits System" is the integrated system of software and electronic equipment used for processing and storage (including digital processing) of electronic data and documents, for conducting application procedures and processing of applications for permits in the construction field, according to the legislation in force.

40. "Public meeting" means an open, organized, appropriate and timely meeting with a reasonable notice from the planning authority, which through the public notice invites citizens, experts and interested parties to submit their remarks, comments or suggestions on the draft act of the planning, development or development control document prior to the finalization of the planning, development or development control document provided for by this law by the relevant authority.

41. "National territory" means the geographic, land, underground, water-, and airspace that is limited by the state border of the Republic of Albania, according to the legislation in force;

42. "Local Territory" means the geographic, land, underground, water-, and airspace that matches the administrative territorial divisions of the local government units, according to the legislation in force.

43. "Remark" is the contesting opinion to the proposed solutions in the draft act document of planning, development or development control or a claim for non-compliance with legal or sub-legal provisions in the planning process.

44. "Zone" is a part of the territory, with specific or common, existing or planned properties or uses of land and buildings within it, according to land use regulations. The zone may or may not coincide with one or more structural units of the territory.

44/1. "Development Zone" is the territory in the function of the development process, part of a structural unit, as defined in the detailed local plan.

45. "Development" is the process of changing the territory through new constructions or altering existing constructions.

Article 4

Principles

Territorial planning is based on these principles:

- a) development must be sustainable and guarantee generational needs for social equity, economic development and environmental protection;
- b) the development of the territory is a matter of national importance; it must be fair and the value created must be acquired and absorbed by the society that creates it;
- c) planning should harmonize public, private, national and local interests;
- ç) development should be guided by planning, which is mandatory for all planning authorities under this law;
- d) the principles and values of the planning documents should have continuity even after their change;
- dh) Transparency should accompany the planning and development control processes;
- e) one-stop service;
- ë) tacit conduct is approval;
- f) planning should take into account the characteristics of the context of the developing territory;
- g) decentralization and subsidiarity;
- gj) harmonization with the European Union's approach in the field of territorial planning and development, as well as environmental criteria, conservation of biodiversity and protected areas;
- h) development should be based on comprehensive planning and design, guaranteeing equal and fair conditions for all beings, regardless of the needs and characteristics of each;
- i) planning and development should ensure the elimination of barriers for the safe, equitable and independent use of spaces by all persons, including those with disabilities or special groups, for which technical solutions or special equipment are needed;
- j) the hierarchy of plans;
- k) the distribution of development rights should be fair and based on the principle of proportionality;
- l) compulsory insurance of buildings, civil and professional liability in construction;

- ll) ensuring access and public participation in drafting planning and development control documents;
- m) integrated planning system.

Article 4/1
Public space

(Added by Law no 73/2015, dated 09/07/2015)

1. Public space is the outer space, such as a pavement, a street, a square, a garden, a park and the like, to serve the community, where management can be public and / or private. Public space includes public passageways and environments that are open to the public or to public service, regardless of the legal regime of land and beyond the definition of public property, according to law no 8743, dated 22.2.2001, "On Immovable Property of the State".
2. Public authorities, on their own or in partnership with the private sector, create public space through the construction of public infrastructure, as defined in Article 3 of Law no. 107/2014, for greening, transport, social, educational, recreational and / or creative activities, according to specific rules, conditions and standards.
3. Local planning authorities are obliged to provide protection, maintenance and improvement of public spaces, at their own expense, including in private property, without prejudice to the right of owners to develop them until the moment of their development.
4. Public activities are allowed to carry out activities that are consistent with the purpose of their creation.
5. The Council of Ministers shall, by decision, define the rules, conditions and procedures for the use and management of public space.

CHAPTER II
PLANNING

SECTION I
TERRITORY PLANNING AUTHORITIES AND THEIR RESPONSIBILITIES

Article 5
Responsible authorities

The authorities responsible for territorial planning are:

- 1.1. At the central level:
 - a) Council of Ministers;

- b) National Territorial Council;
- c) ministry responsible for territorial planning and development issues.

1.2. At the district level:

- a) the regional council.

1.3. At the municipal level:

- a) the municipal council;
- b) the mayor.

Article 6

Council of Ministers Responsibilities

(Amended letter 'b' of par 6 by law no 73/2015, dated 09/07/2015)

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

- a) the drafting the General Territorial Plan;
- b) drafting sectoral plans and detailed plans for areas of national importance;
- c) detailing the General Territorial Plan through drafting the overall local plans;
- ç) the implementation of goals, objectives and action measures, as set out in sector plans and detailed plans for areas of national importance;
- d) maintenance of integrated planning database - National Territorial Planning Register.

2. The Council of Ministers is responsible for:

- a) the adoption of the National Territorial General Plan (NTGP);
- b) the approval of the regulation of planning, development, construction, regulation of the National Territorial Planning Register as well as of other documents according to the definitions of this law;
- c) Encouraging the drafting of national and local planning documents by the relevant planning authorities;
- ç) Support the development of the necessary human and professional resources at central and local level for territorial planning, control of development and administration of the National Territorial Planning Register;
- d) Approval of sub-legal acts determined by this law.

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

4. The Council of Ministers regularly coordinates and harmonises the sectoral policies and strategies of the respective ministries.

5. The Council of Ministers co-ordinates the collection of reports on the strategic development of each sector, according to the scope of responsibility of each ministry. These reports are submitted to the ministry responsible for territorial planning and development issues within 6 months of the start of the process of drafting or reviewing the General Territorial Plan.

6. The Council of Ministers shall, by by-law acts, provide:

- a) the composition of the National Territorial Council and the remuneration of its members;
- b) the rules for the organization and functioning of the National Territorial Planning Agency, the number of employees, the salaries and remuneration levels and the employees of this agency, in accordance with the legislation in force. The labour relations of the employees of the Agency are regulated by the Labour Code of the Republic of Albania

Article 7

Responsibilities of the National Territorial Council

(added second paragraph by law no 73/2015, dated 09/07/2015)

1. The National Council of Territory shall have the following competencies:

- a) Decides the approval or amended approval, modifies or postpones for subsequent review the 8 planning documents required for approval by planning authorities, as defined by this law;
- b) decides on the approval of sectoral planning documents, determined by special legislation, and having effects on the territory;
- c) Determines the national importance of a territory, area or building in the planning of the territory, and approves the detailed plans for areas of national importance, when provided for by the General National Territorial Plan (GNTP).

2. At the National Territorial Council is the technical secretariat of this council, which has the responsibility:

- a) to organize meetings of the NTC;
- b) to prepare the documentation that is being considered in the field of planning and development of the territory;
- c) to administer the aforementioned documentation.

The rules for the organization and functioning of the structure that will act as the technical secretariat, the number of employees, the salaries and remuneration levels and their working relations are approved by a decision of the Council of Ministers, upon the proposal of the Minister in charge of planning and development matters of the territory.

Article 8

Responsibilities of the line ministry for planning and development

1. The Ministry, in accordance with the provisions of this law, is responsible for:
 - a) preparation of territorial planning and development policies;
 - b) drafting the legal framework for territorial planning and development;
 - c) taking the initiative and coordinating the work for the drafting of the General Territorial Plan, as well as for its revision;
 - ç) Taking the initiative, as appropriate, and coordinating the work for drafting detailed plans for areas of national importance, as well as for their revision;
 - d) coordinating the objectives of central planning authorities in the Territorial General Plan and detailed plans for areas of national importance;
 - dh) conducting studies and assessments in the field of territorial planning and development. In conclusion, it submits to the Council of Ministers for review and approval measures for improving the relevant legal framework and improving the progress of the General Territorial Plan detailing;
 - e) drafting of a construction regulation based on proposals given by other ministries for building regulations of respective sectors;
 - è) supporting national and international cooperation in the field of territorial planning;
 - f) Encouraging and supporting initiatives and programs to improve the professional and technical qualities of planning authorities.
2. All public institutions at central and local level are obliged to assist the ministry with supporting documents of the various sectors needed for the preparation of the Territorial General Plan and detailed plans for areas of national importance.
3. For drafting territorial planning documents, the ministry can be granted donations from national and international institutions, in addition to the financial resources allocated by the Council of Ministers.

Article 9

Responsibilities of the National Territorial Planning Agency

*(Repealed par 4, by law no 73/2015, dated 09/07/2015,
amended letter 'dh' of par 1 by law no 28/2017, dated 23/03/2017)*

1. The National Territorial Planning Agency, in accordance with the provisions of this law, is responsible for:
 - a) to coordinate, in general, the processes of drafting territorial planning documents, which are undertaken by the planning authorities at the central and local level;

- b) to support horizontal coordination between national planning authorities during sectoral planning processes or in the process of drafting detailed plans for areas of national importance with a view to harmonizing the treatment of issues of national importance, of different fields and sectors;
- c) to support vertical coordination between national and local planning authorities during planning processes at the local level with a view to harmonizing the handling of issues of national and local importance in the field of territorial planning;
- d) to propose to the Council of Ministers, through the minister responsible for territorial planning issues, the revision of acts or the drafting of new by-laws pursuant to this law;
- d) Organizing, administering and maintaining an integrated database of territorial planning - National Territorial Planning Register - with all central and local level planning documents that have entered into the approval process or have been approved by the authorities as well as other additional data, which relate to the planning of the territory;
- f) to check the compliance of acts published in the register with the laws and the planning documents in force;
- e) to develop training for the public and private sector that exercise professional activities in the field of territorial planning, for the implementation of this law and related by-laws;
- ë) to support national and international cooperation in the field of territorial planning;
- f) to inform the public about the territorial planning processes;
- g) to encourage and ensure that public participation is guaranteed during the process of drafting and implementing planning documents.

2. The NTPA ensures that the drafting of territorial planning documents and development control at the central and local level is in accordance with the provisions of this law, by providing technical assistance to the authorities responsible for territorial planning by:

- a) Providing basic electronic data and technical land area planning norms to be used when designing planning documents at national and local level;
- b) developing training on the use of basic electronic data and technical territorial planning norms before the planning documents are started;
- c) Coordinating the assessment of the compatibility of planning documents under consideration with the National General Plan and other national plans, based on the hierarchy of planning documents, as well as their control with basic electronic data and technical planning norms. The following, through official communication, notifies the responsible authority for:

- i) the compliance of the planning document and its passing for approval to the NCT;
 - ii) Request for amendments to the planning document;
 - iii) the compliance of the amended planning document completed and its passing for approval to the NCT;
 - d) prepare and publish methodological manuals for territorial planning;
 - d) draft and distribute technical standards of administration of the National Territorial Planning Register as defined by this law;
 - dh) directly support planning authorities for the way of registering and administering the data in the register independently;
 - e) develop training to improve their professional and technical qualities through training and direct assistance.
3. The NTPA is responsible for preparing:
- a) Studies on the Integrated Planning System in the Republic of Albania, and to propose to the NCT and the Council of Ministers, through the Minister responsible for territorial planning issues, the necessary measures for the sustainable development of the territory;
 - b) Monitoring Report on the Implementation of Goals and Objectives stated in the Territorial General Plan and detailed plans for areas of national importance on an annual basis;
 - c) proposals to the Minister responsible for territorial planning issues, to undertake planning processes or other necessary measures;
 - ç) Proposals for the National Territorial Council to determine the national importance of a matter, area or facility.
4. Repealed.
5. The NTPA assumes other responsibilities, explicitly provided for in this law, in other laws and by-laws.

Article 10

Responsibilities of other ministries

1. Ministries are responsible for:
- a) drafting national planning documents for the sectors of responsibility in which they operate;
 - b) proposing building regulations, or chapters related to the area of responsibility, to ensure the safety and quality of life and public health;
 - c) taking measures for the implementation of national planning and development documents;

- ç) Supporting the drafting of local planning documents by relevant authorities and to help them meet the standards set out in this law and other laws, guided by issues related to the areas of responsibility of the ministries;
- d) inspect the developments in the territory related to the area of their responsibility, and take preventive and punitive measures;
- f) independently registering and administering the National Territorial Planning Register, the acts and draft acts for which they are responsible, according to the provisions of this law;
- e) cooperating with the planning authorities of each level, according to the definitions of this law, and report regularly according to the hierarchy;
- ë) Informing the public on the entire planning process and developments in the area related to the area of responsibility, and to ensure transparency through the registry and other forms of traditional sources;
- f) Drafting each sector's strategic development reports according to the area of responsibility of each ministry, which are submitted to the ministry responsible for territorial planning issues through the Council of Ministers within six months of the beginning of the drafting or review process of the Territorial General Plan.
- g) preparing on an annual basis the Monitoring Report on the Implementation of Purposes and Objectives stated in the Territorial General Plan and the detailed plans for areas of national importance for the area of responsibility and to submit it to the NTPA;

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

Article 11

Responsibilities of the Regional Council

1. The Regional Council is responsible for coordinating planning processes at the regional level.
2. The Regional Council shall, as appropriate, approve the initiative and sectoral planning documents of the region.

Article 12

Responsibilities of the municipal council

(Amended letters "a", "b" and repealed letter "d", by law no 28/2017, dated 23.3.2017)

1. The Municipal Council, in accordance with the provisions of this law, is responsible for approving the financial resources allocated by the municipality for the implementation of this law.
2. The municipal council is responsible for:
 - a) approving the initiative for drafting or reviewing the overall local plan;
 - b) approving the overall local plan;
 - c) monitoring and supervising the implementation of the overall local plan and sectoral plans at the local level;
 - d) monitoring compliance with the legal framework for public participation and review of local development planning and control documents during their drafting process;
 - d) Repealed.
 - f) Reviewing, on an annual basis, the Monitoring Report on the Implementation of Goals and Objectives stated in the planning documents at the local level.

Article 13

Responsibilities of mayor

(Amended letter 'd' by Law no 28/2017, dated 23.3.2017)

1. The mayor, in accordance with the provisions of this law, is responsible for:
 - a) development of the local territory through the drafting and implementation of territorial planning documents;
 - b) undertaking the initiative for drafting and reviewing the local planning documents;
 - c) drafting or revision of territorial planning documents in full compliance with the National General Plan and, as appropriate, in accordance with sectoral plans and detailed plans for areas of national importance, and complying with technical planning norms territory;
 - ç) coordination between public institutions and the allocation of human resources necessary for drafting planning documents at the local level;
 - d) submitting and introducing a general local plan to the NTPA to verify compliance with the National General Plan and technical planning norms;
 - dh) the adoption of detailed local plans.
2. All public institutions at the central and local level are obliged to assist the local authority responsible for planning and administering the territory of the municipality, with supporting documentation of the various sectors necessary for the preparation of the local planning documents.

Article 14

Professional contributions to planning

1. Each local government unit assigns bodies responsible for carrying out planning and territorial development activities under the legislation in force and the provisions of this law.
2. Local government authorities shall ensure that, for the performance of functions defined in this law, they have qualified and experienced professionals in the relevant fields. The minimum number of professionals to be provided by each local government unit is determined by the Council of Ministers, based on the number of local government units, and in any case not less than 6 professionals.
3. Academic training of professionals for each of the four areas mentioned in par 2 of this Article is defined as follows:
 - a) Territorial planning: Urban, spatial and territorial planning and management, town planning or urban design and other equivalent study areas, according to the education legislation;
 - b) for development control: the fields according to letter "a" of this par, legal, architecture, construction engineering, topo-geodesy;
 - c) environmental protection: urban environment management, environmental and agro-environmental engineering, environmental studies, architecture and landscape design, geology, forestry engineering;
 - ç) for the administration of the registry: "GIS" and "topo-geodesy" or, in the absence thereof, urban planning, territory, urban planning, urban design, construction engineering or architecture with training and experience in GIS or topo-geodesy.
4. In case they fail to meet the requirements under paragraphs 2 and 3 of this article, local government units exercise their competencies for planning and controlling the development of the territory through delegation in accordance with local government legislation.
5. Local planning authorities exercise their responsibilities throughout their administrative territory.

Article 14/1

Delegation of responsibilities

(Added Article by Law no 73/2015, dated 9.7.2015)

1. National and local planning authorities can delegate responsibilities to certain dependant territorial planning bodies.
2. National and local authorities may, by agreement, delegate to each other responsibilities and functions related to the planning and control of the territory's development.

3. National and local authorities may contract the performance of various territorial planning and development services or may jointly conclude agreements between them.

SECTION II PLANNING DOCUMENTS

Article 15

Planning documents referring to governance levels

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

1.1 Central level planning, which is carried out through planning documents as follows:

1.1.1 The General National Territorial Plan (GNTP), for the entire territory of the Republic of Albania.

1.1.2 Sectoral national plans for all or part of the territory

1.1.3 Detailed plans for areas of national importance.

1.2 Local level planning, which is carried out through planning documents as follows:

1.2.1 Sectoral plans at the regional level.

1.2.2 General Local Plan.

1.2.3 Detailed local plans.

2. The final goal of planning documents is to integrate all planning documents of any kind across the national territory, in order to build an integrated territorial planning system for linking, integrating, reconciliation and harmonization.

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

Article 16

National General Territorial Plan (NGTP)

1. The General National Territorial Plan (PPKT) defines the mandatory reference framework for all plans drafted in the Republic of Albania.

2. The objectives of the National Territorial Plan are:

a) Determining the principles and directions for a sustainable and balanced development of the territory;

b) creation of territorial conditions for regional development;

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

d) creation of conditions for the preservation of ecosystems, biodiversity, natural resources on and below the natural and cultural heritage, balancing the effects of

housing systems and economic activities and protection and development of green areas of other cultivable surfaces;

d) Orientation of regional, inter-municipal and local planning objectives;

f) Coordination of work, harmonization and orientation of sectoral development objectives with territorial effect;

e) Compatibility with the orientations and guidelines of the European perspective for spatial development document.

3. The NTPA shall, on its own or at the request of a ministry or other central or local body, undertake the initiative and proposes to approve the TCC to determine a matter, area or facility as of national importance in planning. The detailed procedures for this initiative are set out in the planning regulation.

Article 17

National sector plan

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

Article 18

Detailed plans for zones of national importance

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

2. The initiative for the development of a detailed plan for an area of national importance is taken by the Minister responsible for the relevant issue of national importance on the basis of the respective decision of the TCC according to Article 16, point 3 of this law.

3. The detailed plan for the area of national importance is drafted by the minister responsible for the issue of national importance and is approved by the TCC.

4. The TCC makes a decision regarding the approval of the detailed plan within 90 days from the date of submission for review of the complete documentation.

5. The structure and form, as well as the process for the initiative, the design and adoption of the detailed plan for an area of national importance are defined in the development regulation.

6. The development license for works in the area of national importance, for which a detailed plan has been drafted, is provided by the TCC on the basis of this plan.

Article 19

Sector plans at regional level

Sectoral plans at the regional level determine the strategic development of different sectors within the regional administrative territory. Plans have as their scope:

- a) Co-ordination of work, at the level of the respective territory, for the programs and designations of the national planning documents to the municipal ones;
- b) balancing national and local needs and interests for developments at the county level;
- c) creation of conditions for sustainable development in the territory and according to the principles of this law;
- ç) the establishment of mandatory strategic developments and platform of territory development for the relevant governance unit and the overall local plans of the basic level of local government;
- d) Strategic definition for the regulation of land uses according to the natural, agricultural and urban systems of the territory;
- dh) planning of programs and measures to ensure the protection of the environment, the sustainable development of natural resources, cultivable land, landscapes and green spaces;
- e) regulation of location and programs for public infrastructure and public servitudes, according to the legislation in force;
- ë) regulate the conservation, use and, where appropriate, appropriate treatment of protected natural and historical areas, in accordance with the requirements of the legislation in force.

Article 20

General local plan

1. The objectives of the General Local Plan (GLP) are:

- a) Balancing national and local needs and interests for developments in the territory;
- b) creation of conditions for sustainable development in the territory and according to the principles of this law;
- c) direction of development of residential systems and other building systems;
- ç) regulation of land uses, intensity and extent of construction in the natural, agricultural and urban systems of the territory;
- d) planning of programs and measures to ensure urban regeneration, environmental protection and sustainable development of natural resources, cultivable land, landscapes and green spaces;

dh) regulation of location and programs for public infrastructure and public servitudes, according to this law;

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

2. The Local Government Plan is implemented through sectoral plans, detailed local plans and development permits.

Article 21

Sectoral plans at the municipal level

The sectoral plans at the municipal level are drafted in accordance with the overall local plan and determine the strategic development of the various sectors within the municipality's administrative territory.

Article 22

Detailed local plan

(Amended par 5, 6, 12, 13, 14 and repealed par 10, 11, by law 28/2017, dated 23.3.2017)

1. The Local Planning Authority determines in the overall territory plan the areas that will be subject to the drafting of detailed local plans based on the criteria set out in the planning regulation.

2. Detailed local plans are drafted by public or private initiative in areas that are:

a) a structural unit;

b) some structural units together;

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

3. The detailed local plans aim at:

a) development and / or redevelopment of an area;

b) regeneration / renewal of a predominantly urban area;

c) construction of public infrastructure.

4. Detailed local plans have the object of subdivision and / or unification for development purpose.

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

6. The mayor shall take a decision on the approval of the detailed local plan within 45 days from the date of submission for review of the complete final documentation after informing the interested parties through one or more traditional means of information and holding public meetings with them if required.

7. The Mayor decides to approve the detailed local plan, based on the technical report, prepared by the responsible structures of the local planning authority, unless they express against the occupants who own more than one third of the area of the respective area of development.
8. In the event of any objections as above, the head of the local government unit organizes public meetings with the interested parties, examines their remarks or proposals and evaluates their reflection in the detailed local plan.
9. At the end of the process, the chairman decides on the approval of the plan, expressing also the acceptance or rejection of the submitted proposals and observations.
10. Repealed.
11. Repealed.
12. The detailed domestic plan is registered in the immovable property register as a basis for conducting transactions with the property. New parcels created by subdivision and / or merger of existing parcels are the subject of a transaction only after being registered in the immovable property register at the request of developers.
13. The structure, forms, constituent parts of the content, the process for the initiative, information and mandatory public meetings, the drafting and approval of the detailed local plan, the criteria for defining the boundaries of the area treated with detailed local plan and other conditions are defined in planning regulation.
14. The detailed local plan document is accompanied by a technical document of balanced distribution of development rights, where development benefits ratios are also determined in a fair and proportionate manner with the contribution to development. Benefits, contributions and costs are financial or material assets that include development rights and increased land value as a result of planning or public investment.
15. The planning authority's benefits from development rights and increased land value are used to build or finance public infrastructure, mainly in the area where they are acquired.
16. The method for determining the value of development rights and increased land value is determined by a decision of the Council of Ministers.

SECTION III

PUBLIC COOPERATION, CONSULTATION AND REVIEW OF CENTRAL LEVEL PLANNING DOCUMENTS AND GENERAL LOCAL PLAN

(Amended title by Law no. 28/2017, dated 23.3.2017)

Article 23

Coordination

1. The authority responsible for drafting the planning document provides for a process of dialogue, co-operation and horizontal and vertical coordination, with all planning authorities and stakeholders, before the beginning and during the drafting the local planning document.
2. The authority responsible for drafting the planning document is regularly consulted with the NTPA and interested parties and informs them monthly about the progress of the process.
3. The NTPA examines the compatibility of the planning document's draft act with the applicable legal and sub-legal provisions in the area of territorial planning as well as the planning documents in force. At the conclusion of the review, the NTPA submits to the responsible authority the relevant conclusions and proposals for addressing the shortcomings.
4. The Council of Ministers, by a sub-legal act, determines the procedure and deadlines for conducting the co-ordination.

Article 24

Public consultation and meeting

(Amended par 1 by Law no 28/2017, dated 23.3.2017)

1. The authority responsible for drafting the planning document shall organize one or more public hearings and consultations prior to any decision-making related to planning documents at the central level and the overall local plan and shall repeat them as necessary to inform fully the stakeholders and give effect to conflict resolution.
2. The responsible planning authority notifies the public and the interested parties of the place, date and time of each public meeting and makes available the draft of planning document at least 30 days prior to the meeting. The announcement is made through the publication of the information in the register and in two of the 17 largest circulation newspapers or other media bodies.
3. Interested parties have, within the period from the date of notification, according to par 2 of this Article, until the designated date of the public meeting, the right to access to the information material related to the planning document, including the summary of the process of co-ordination carried out in accordance with Article 23 of this law, and in remarks, proposals and conclusions reached during this process. Their access is provided, in advance, in sufficient time and effectively through the registry and one or more traditional means of information.

4. The summary of remarks or proposals during the public meeting is attached to the project planning document submitted for approval and is communicated together with it through the publication in the register and one or more traditional means of information.
5. In support of remarks or proposals received, the authority responsible for drafting the planning document alters the draft act or gives the substantiated reasons for failing to make such a change. The draft act, together with the changes or arguments for non-changing it, is forwarded for approval to the relevant authority / body within 30 days of the date of the public meeting.
6. In cases when the planning document project is reviewed by the responsible authority, on the basis of remarks and proposals made during the public meeting, , the planning authority shall, regarding substantive issues of its content, organize an additional public meeting, in accordance with the foregoing provisions of this Article.
7. Physical or legal entities located in the planning zone or having information or data shall, when required and to the extent they are able to do so, give to the planning authority or any other person authorized, without any reward, the information they possess, which may be needed during the drafting process of the national planning document. The planning authority or the authorized person shall ensure the retention and administration of the information received during the drafting process of the national planning document and make this information available to the public.

Article 25

Approval of planning documents

1. The authority responsible for approving the planning document at each level approves the relevant draft act or returns it for reconsideration to the proposing authority, together with the reasons for the disapproval in cases when it considers that:
 - a) no coordination, consultation and public meeting have been conducted or other mandatory planning procedures have been respected, as defined by this law; and / or
 - b) the draft act is inconsistent with the planning documents or with the legislation in force.
2. In these cases, the proposing authority shall, in cooperation with the NTPA, conduct the due process of reviewing the draft act.
3. Upon completion of the review, the planning document draft act is sent to the approving authority for approval.
4. The responsible authority for final approval shall, no later than 15 days after its approval, publish in the National Territorial Planning Register and send it to the Central Technical Building Archives and planning authority a copy of the planning document, approved jointly with the decision of its approval.

5. The amendment or revocation of the planning document is made under the same procedure as defined in this law and by-laws in its application for its drafting.

Article 26

Revision of plans

(Amended par 1, 2 and 3 by law no 28/2017, dated 23.3.2017)

1. The general plans are subject to change, where appropriate, according to par 2 of this Article, and in any case subject to a full review every 15 years. The process for their full review begins 2 years before the end of the above-mentioned deadline, under the same procedure followed for their approval. The National Territorial General Plan will be subject to assessment in accordance with the new, social, economic and environmental factors, at least at the end of every 5-year period, in accordance with the time framework of the National Strategy for Development and Integration.

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

3. The rules and procedures for amending the plans or their full reconsideration under this Article will be set out in the planning regulation.

CHAPTER III

DEVELOPMENT SECTION I RESPONSIBLE AUTHORITIES FOR DEVELOPMENT OF TERRITORY

Article 27

Responsible authorities

The authorities responsible for the development of the territory are:

1. National Territorial Council.
2. the mayor.

Article 28

Responsibilities of NTC

(Amended par 1 by Law no 28/2017, dated 23.3.2017)

1. The NTC is the authority responsible for decision-making for development permits and building permits for types of complex development defined in the development regulation

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

2. The issue of the certificate of use for construction permits, adopted in accordance with par 1 of this Article, is carried out at the end of a coordinated process of control of construction compliance between the central authorities involved, within the scope of competence, and the local authority responsible for control of construction works in the administrative territory where development is carried out.

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

Article 29

Responsibilities of mayor

The mayor is responsible for:

- a) decision-making regarding applications for development permits and building permits in the administrative territory of the municipality;
- b) assessment of compliance with the legal requirements for the works performed on the basis of the preliminary declaration for the performance of works;
- c) issuing a certificate of use, in accordance with article 42 of this law, for construction permits approved by him.

SECTION II

INSTRUMENTS FOR DEVELOPMENT LEADERSHIP

Article 30

The intensity of conditioned construction

1. The intensity of conditioned construction is the territorial development instrument that aims to provide a contribution to the financing of capital investment in public infrastructure and services, including social housing programs, in areas provided by the overall local plan. This contribution is granted by the building permit applicant in exchange for increasing the intensity of construction, in agreement with the local authority.

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

3. The development regulation defines the criteria for the intensity program with construction conditions and the method of calculating the intensity value.

Article 31

Transfer of the right to development

(Amended par 1 and 2 of the law no 28/2017, dated 23.3.2017)

1. The transfer of the right for development between the structural units is carried out, as appropriate, by the local planning authority, with a view to preserving cultural monuments and historic sites, agricultural and natural land, as well as public spaces.
2. This transfer takes place through a program drawn up by the local planning authority, in accordance with the overall local plan and by agreement between the local authority and the landowners involved in the program.
3. The terms and procedures for determining the monetary value of development rights and their transfer are governed by the development regulation.

Article 32

Compulsory land development

1. In cases where one or several owners disagree with its content, the local planning authority negotiates with them for reaching an agreement as a result of the detailed local drafting process.
2. In case the agreement, according to par 1 of this Article, is not achieved, then the local planning authority acts according to the following cases:
 - a) redistributes the development right set out in the overall local plan in the parcels of these landowners in neighboring parcels and / or other structural units;
 - b) does not redistribute the development right, but imposes a non-development tax, which applies until such owners enter into a development agreement, as defined by the general local plan;
 - c) Expropriate these owners if the detailed domestic plan is a public initiative and / or the refusal of the owners to reach an agreement violates the public interest;
 - ç) for detailed local plans upon private initiative, the definitions under letters "a" and "b" of this par apply if the landowners who do not agree with the plan own up to 1/3 of the surface of the area that is the scope of the detailed local plan.
3. The methodology for defining the value of the non-development tax and redistribution of development rights is governed by the development regulation.

Article 33

Development suspension

1. In cases where an initiative for drafting a planning document has been taken, the planning authority may decide to suspend development, with the purpose of maintaining planning for the planning area.
2. The suspension of development has the effect of temporarily stopping the development or postponing the examination of development and construction requests throughout the territory or part of it for one, several or any type of development.
3. Suspension of development is used, in proportion to the circumstances that dictate it, only when it turns out that other instruments in effect would not provide a suitable solution. Suspension of development does not apply to:
 - a) developments for which the building permit has been approved, formally or with tacit approval, before the decision to suspend development;
 - b) maintenance works;
 - c) public, state development of local or national interest.
4. The decision to suspend the development determines the reasons for the use of this instrument, the territory involved or certain parts thereof, the types of permits or related matters, the suspension of which is suspended, the buildings which cannot be demolished, the deadline and the degree or suspension level, according to the type of development. In the case of developments with a declaration of performance, the decision to suspend development determines the limitation or prohibition of major or fundamental changes, resulting in an increase in the value of existing constructions.
5. The suspension of development may be set for a period of up to 12 months and may be extended for another 6 months for reasonable reasons. The decision to suspend the development is automatically terminated upon the expiration of this period.
6. The suspension of development ends before the deadline set for all the territory involved or certain parts thereof when the conditions required for its approval cease to exist. In any case, it ends on the date when the planning document enters into force.
7. The Planning Authority may decide to change the decision to suspend the development, according to the aforementioned definitions of this article.

Article 34
Public servitude

1. Public servitude is the burden on a property for the benefit of another property in the public interest. It does not preclude the use of immovable property or part of it that does not hinder the realization of public servitude.
2. Public servitude can be determined by the local or national planning document or dictated by a construction request. When servitude is based on a planning document in force it applies to a building request.
3. Every public servant being imposed on certain parcels is transferred to the new parcels created at the same physical location as a result of a subdivision process and / or merger of parcels for development purposes. The public servant remains in force in the event that the act creating it does not set a deadline.
4. The rights and obligations on the public servitude are those defined in the Civil Code and the legislation in force for servitudes.

Article 35
Right to transfer

1. The Council of Ministers has the right to decide on the transfer of public immovable property owned by local government units to the benefit of the state for the realization of public or private investments in national public infrastructure, in accordance with the planning documents in force.
2. The property transfer act by the local government unit to the benefit of the state is carried out against the payment of the real value of land and / or constructions in it, under market conditions at the time of transfer of ownership.
3. The local government unit shall be notified by the responsible line ministry at least 60 days before the proposal for taking the decision under par 1 of this Article.
4. Determining the value or ways of compensation shall be consulted between the national and local authorities involved in the process and, in case of disagreement, the amount of compensation shall be determined by the court. The lawsuit and the judicial examination do not constitute grounds for the termination or suspension of the transfer of ownership to the benefit of the state.
5. The amount of compensation for the transferred property is paid within 6 months from the date of the decision. Changes to the immovable property register are performed only after the payment of the compensation value.

Article 36
Right to preference

1. The right of preference is the right to the benefit of a planning authority, in the sense of this law, to be preferred in advance to any private person in the purchase, under the same conditions, of a private ownership, which is the scope of sale/purchase and is located in a crucial area for the realization or protection of a public interest.
2. The right of preference is exercised by the planning authority for the realization of public interest, for immovable properties, private ownership or parts thereof, according to the areas designated for this purpose in the planning document in force. This right cannot be exercised:
 - a) for the purchase of immovable property, which is governed by the legal framework for joint ownership;
 - b) when the owner sells immovable property to their spouse, children, children of children or parents;
 - c) when the immovable property is in the process of being purchased by a public institution or for its account;
 - ç) for immovable properties for which the request for construction permit is received, which are under review until the date of approval of the area of exercise of the right of preference.
3. Property acquired through the exercise of the right of preference is used only for the concrete public interest for which it is selected. If the planning authority decides to sell the property purchased with preference within five years from the date of purchase, it is obliged to notify its former owner or their heirs if they have an interest in repurchasing that asset.
4. The detailed procedure through which the right of preference may be exercised will be determined in the development regulation.

SECTION III
DEVELOPMENT CONDITIONS AND DEVELOPMENT CONTROL DOCUMENTS

Article 37
Development conditions

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

Article 38
Development permit

1. The development permit is the document issued by the responsible authority that defines the development conditions for a particular property.
2. The development permit is required for each parcel and is provided with the approval of the detailed local plan. In the case of parcels, for which a detailed local plan is not foreseen, the development permit is issued with the approval of the overall local plan.

Article 39
Building permit

1. Construction permit is required for any construction, repair, restoration or demolition of existing facilities, installation or erection of temporary constructions, except for the cases provided by Article 41 of this Law.
2. The construction permit document describes all the conditions for carrying out construction work in accordance with the accompanying documentation of the application and the norms and standards set forth in this law and by-laws issued for its implementation.
3. The beneficiary of the construction permit, the owner of the building, the entrepreneur, the supervisor and the importer of works are jointly liable according to Article 52, letters "e" and "ë" of this law, for carrying out works in accordance with this law, legal framework governing the construction activity in the Republic of Albania, planning documents in force, and the terms and conditions of the construction permit.
4. Construction permits approved in violation of the law and planning documents in force are absolutely invalid.

Article 40
Timing for building permit

(Amended par 3 and repealed par 5 by law no 28/2017, dated 23.3.2017)

1. The deadline for starting works may not exceed 1 year from the date of approval of the construction permit.
2. The term of completion of works is determined on the basis of the calendar of works approved by the planning authority.
3. The extension of the term of completion of the works shall be done by the authority that approved the permit, on the basis of a reasoned request of the person provided with a construction permit. The request is accompanied by a new schedule of works and proof of payment of a fine for a breach of time-limit, according to Article 52 of this law.

4. The request for postponement of the works is deemed to be approved tacitly if the planning authority fails to notify the concerned decision to the requesting subject within the 45-day period from the filing date of the request.
5. Repealed.
6. For works initiated for more than ten years and still unfinished, according to the approved project, the authority responsible for approving the construction permit determines the mode of compulsory construction or decides the demolition or seizure of the building.

Article 41

Preliminary statement for the accomplishment of works

1. The development regulation defines the list of constructions, installations and works that, due to non-essential interventions with the facility, the temporary nature of installations or the regulation of development control by another permit or authorization or separate sectoral legislation, do not require the provision with a construction permits and are subject to a preliminary declaration of performance works.
2. In the designated cases, according to point 1 of this article, the written statement deposited with the responsible development control authority, in conjunction with the work project, drafted and signed under the responsibility of licensed professionals, is the only sufficient starting document of construction works.
3. The responsible authority may object to the preliminary statement for the performance of the works by a reasoned decision if it finds that the conditions and legal requirements governing the preliminary statement of works are not respected.

Article 42

Use certificate

(Amended par 1, 2 and 3 by law no 28/2017, dated 23.3.2017)

1. At the end of the development process, the planning authority issues the building use certificate that certifies the completion of the works in accordance with the terms of the construction permit, as well as the implementation of the planning and development control documentation criteria.
2. In all cases, the entity carrying out the works issues a statement that the facility is constructed in accordance with the project and the applicable technical conditions.
3. The certificate of use is issued only when the control acts certify the execution of the works, in accordance with the permit conditions, according to the phases and criteria set forth in the legislation on construction works.

4. If the discrepancy of the works being carried out is found with the requirements according to point 3, the planning authority issues the act of finding the non-compliance, while giving suggestions and the time period and, if this time period is not observed, sanctions for ensuring compatibility from the developer.
5. The use certificate is examined and granted according to the procedure and deadlines set out in the legislation on the discipline of construction works. In case no decision has been made within the established deadlines and the person performing the works has fulfilled all administrative acts provided for in the legislation on construction works without violation, the use certificate is considered to be approved tacitly.
6. The tacit approval of the certificate of use does not apply when:
 - a) acts of control of works held by the relevant authorities have identified violations of the conditions of the approved permit;
 - b) a certificate of use is required for high risk work.
7. The works carried out pursuant to this Law shall be registered, according to the law, in immovable property registers, on the basis of a certificate of use, issued in accordance with the provisions of this law or approved in silence. In the case of tacit approval, the works carried out shall be recorded on the basis of the request of the subject for the certificate of use, the second copy of the inspection document and the administrative acts provided for in the legislation on construction works.
8. In the case of permits covering a construction group, the certificate of use may be given separately for each construction, according to the completion stages of the works specified in the construction permit. The certificate of use for the last construction is given only after the completion of all the infrastructure required by the respective building permit has been completed.
9. Simultaneously with the conclusion of the contract for the transfer of ownership over the works, the builder must submit to the purchaser a ten-year insurance policy with the buyer / buyers and with effect from the date of completion of the works covering the damages to the building, including damages to third parties that derive when, due to land or construction defects, the construction collapses in whole or in part or poses a significant risk of demolition or other serious defects occurring after the conclusion of the ownership transfer contract.

SECTION IV DEVELOPMENT CONTROL PROCESS

Article 43

Application for building permit

(Amended par 1 and added a sentence in par 3 by law no 28/2017, dated 23.3.2017)

1. The application for a construction permit must be carried out through the electronic system of building permits. The Council of Ministers defines the rules for the organization and functioning of the electronic system of building permits.
2. The application for a construction permit contains a detailed description of the works to be carried out and is accompanied by complete construction documentation, including detailed projects, drafted and signed under the responsibility of licensed experts.
3. The development regulation will detail the content of the application form and the complete list of documentation that must accompany the application. The responsible development authority may not establish procedures or requirements other than those provided for in this law and the development regulation for issuing permits in the field of construction.

Article 44

Examination of the building permit request

1. The responsible authority, according to Article 27 of this law, examines the application for a construction permit under the one-stop-shop principle, coordinating the work with all the specialized public authorities that should have their say in relation to the application.
2. The responsible authority decides on the construction permit within 60 days from the submission of the application for a construction permit. The development regulation may specify shorter deadlines or differentiated procedures for issuing construction permits, for low impact work on land, or strategic investment for the country.
3. If the responsible authority does not make a decision within the above deadline and the responsible planning structure at the local authority has not given any negative opinion regarding the request, the construction permit is considered to be granted tacitly. Tacit approval does not apply to construction permits that are within the competence of the TCC, as well as for other works, including those with high risk, as defined by the development regulation or are specifically regulated by the applicable legislation.
4. In case of refusal of a request for construction permit or refusal of a preliminary statement for the execution of works, the decision must be reasoned.

Article 45

Infrastructure related condition

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

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

Article 45/1

Environmental adaptability condition

(Added by Law no 73/2015, dated 9.7.2015)

1. All buildings for residences, spaces and services for the public, including parks, squares and roads within the territory of the Republic of Albania, must meet the requirements and eligibility standards for persons with disabilities, in accordance with the provisions laid down in the regulation on the use of spaces on the part of persons with disabilities.
2. The appropriateness of new buildings or under the process of reconstruction, as above, is a condition for obtaining a building permit and a certificate of use, according to the procedures set forth in the Territory Development Regulation.
3. Responsible authorities of institutions providing public services are obliged to provide a basic level of construction appropriateness in the existing environments under their administration.

Article 46

New buildings tax of impact on infrastructure

(Amended par 1 by Law no 28/2017, dated 23.3.2017)

1. The infrastructure impact tax from new constructions applies to new developments that, according to this law, require a construction permit and is calculated according to the legislation on the local tax system.
2. The infrastructure impact tax from new constructions is paid prior to the submission of the construction permit document by the planning authority being responsible.
3. The local planning authority does not pay the infrastructure impact tax from new construction for its own developments with public funds.

Article 47

Handover of building permit

1. The construction permit document shall be submitted to the applicant by the responsible authority no later than:
 - a) 15 days from the date of the decision on the approval of the construction permit by the mayor;

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

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

Article 48

Revision of permit conditions

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

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

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

Article 49

Development stimuli

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

CHAPTER IV

OBSERVATION, INSPECTION, CONTRAVENTIONS AND PENALTIES

Article 50

Observation of developments in the territory

1. Each planning authority, in accordance with its sphere of jurisdiction and responsibilities, conducts surveys on developments in the territory with a view to studying and evaluating such developments, forecasting risks or trends, preventing harmful developments or

undertaking policies, the adoption of documents or the performance of appropriate actions to ensure a sustainable development of the territory.

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

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

4. Based on the reports of other authorities and the observations made by the NTPA, the NTPA prepares and publishes in the register and according to traditional means of information, by the end of June of each year the national report on the developments in the territory during the year previous.

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

Article 51

Inspection

1. The inspection has the mission guaranteeing and protecting the national interest for a fair and sustainable development of the territory through the prevention of illegal works and constructions according to this law and the acts issued for its implementation, as well as the punishment of the offenders, who violate the provisions of this law.

2. The inspection for the verification of compliance with legal requirements, according to this law, is carried out in accordance with this law, the by-laws issued for its implementation and the legislation applicable to the inspection of construction in the Republic of Albania.

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

4. Acts issued by inspection authorities during their activity or appeal are published in the register and according to traditional means of information.

5. The summarized data and conclusions of the inspection activity are part of the annual report on developments in the territory.

Article 52**Administrative contraventions**

(Added letter 'h' in par 1 of the law no 28/2017, dated 23.3.2017)

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

- a) Failure to organise the public meeting and consultation pursuant to Article 24 of this law shall be fined from 50 000 ALL up to 100 000 ALL;
- b) the violation of the terms of publication in the register of acts and draft acts for which the publication is mandatory under this law is punishable by a fine from 50 000 ALL to 100 000 ALL;
- c) the approval of the construction permit and the issuance of the certificate of use contrary to this law or the planning documents in force shall be punished by a fine from 1 000 000 ALL to 3 000 000 ALL. Omissions lacking any legal reference bearing the consequence of tacit approval at variance with the law shall be punishable by a fine from 1 000 000 ALL to 5 000 000 ALL;
- ç) Failure to comply with the deadline for submitting a permit document, according to Article 47 of this Law, shall be punishable by a fine ranging from 300,000 ALL to 500,000 ALL;
- d) failure to declare works exempted from the obligation to provide a permit, according to article 41 of this law, shall be fined from 50 000 ALL to 150 000 ALL;
- dh) violation of the timing for starting or ending of the works, according to Article 40 of this law, shall be fined from 100 000 ALL to 500 000 ALL;
- e) the performance of illegal works is punished by a fine equal to the value of the works carried out without permission, but, in any case, not less than 500 000 ALL, and with the destruction or confiscation of the works carried out to the benefit of the public interest.
- ë) Completion of project changes or works in violation of permit conditions:
 - i) without consequences in the creation of surface and building volume additions, is punished by a fine equal to the value of the works carried out without permission, but in any case, not less than 300,000 ALL, the suspension of the works and to the extent determined in the conclusion of the procedure referred to in par 3 and 4 of this Article;
 - (ii) with consequences in the creation of additional construction volume, is punishable by a fine equal to the value of the works carried out without

permission, but in any case, not less than 500 000 ALL, and with the demolition or confiscation of the works committed without permission.

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

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

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

h) Rejection of construction permit in contravention of applicable legislation is punishable by a fine ranging from 300,000 ALL to 500,000 ALL;

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

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

4. The planning authority reviews the submitted application according to par 3 of this Article and may approve the permission for changes in the project or works out of the permit conditions only if the construction is not inconsistent with planning and development control documents and does not violate the property rights of other persons, as well as the building stability and security. In cases where the construction is in compliance with the above requirements, the planning authority shall make a decision to approve the application and obtain the permit. Otherwise, the responsible authority decides that the changes or works are out of the scope of the permit. When the demolition cannot be carried out without prejudice to the construction part being in conformity with the approved project and permit, the planning authority shall impose a fine equal to twice the value of the work carried out in

violation of the permit but in any case, not less than 1 000 000 ALL. After payment of the fine, the responsible authority approves the construction permit for the respective works.

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

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

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

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

Article 53

Enforcement of penalties

1. The fines determined in accordance with Article 52 of this law shall be imposed by the responsible inspection authority.

2. The national inspection authority decides, according to Article 52, of this law, for violations found at the national level, according to the definitions of this law.

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

4. The national inspection authority, when it finds that the principle of national interest for the development of the territory is violated by illegal constructions, proceeds in compliance with the provisions of the applicable legislation on issues and areas of national importance.

5. The amount of the fine shall be determined, in any case, in a proportionate manner with the nature of the offense ascertained, with the responsibility and participation in the decision-making of the official or the offender and whether the offender is a recidivist or not. 6. In case of repeated misdemeanor, the offender is fined twice the fine value.

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

CHAPTER V
NATIONAL TERRITORY PLANNING REGISTER

Article 54

National Territory Planning Register

(Amended letter 'b' of par 1 of this law 28/2017, dated 23.3.2017)

1. The basic functions of the registry are:
 - a) recording legal and physical information of public and private rights or restrictions on land and the transformations it faces due to development;
 - b) notification, in the form and appropriate format, of draft acts and acts related to territorial planning;
 - c) any other function that may be provided by law.
2. The operation and use of the registry do not avoid the obligation to publish, according to other traditional means of information, if provided by law.

Article 55

Organization and functioning of the register

1. The information in the register is organized according to an integrated network of multi-purpose land-based databases and developments in it, independent and interoperable between them. The responsible authorities construct, administer and maintain their database, a constituent part of the registry, in accordance with a common geodetic technical platform, platform and standards for GIS to ensure compatibility and interoperability between them and the exchange and use of recorded information in them.
2. The data published in the register are freely accessible by the public via electronic communication with the Internet, except those that are legally protected. As a rule, access to the registry is free of charge and the content of the acts contained therein is public. For certain services a fee may be levied, for which the public is informed in advance.
3. GIS state fundamental data are administered by planning authorities and other public institutions at national and local level, according to the responsibilities set out in this law and the applicable legislation. Each planning authority records sector data in the register and publishes them.
4. National and local planning authorities and other public institutions contribute proportionally to the establishment, administration and maintenance of the registry.

Article 56

Publication in the register

(Amended par 1 by Law no 28/2017, dated 23.3.2017)

1. All draft acts or approved acts related to planning, including the accompanying documentation and remarks or proposals during planning coordination are mandatory for publication, except those types which:
 - a) are excluded by law;
 - b) are internal acts of a national or local authority;
 - c) are acts or accompanying documentation, the publication of which is prohibited by the legislation in force.
2. The publication in the register, when not otherwise provided by law, is a necessary and sufficient condition for the entry into force of the act.
3. Notwithstanding the definitions of par 1 of this Article, any act that is not mandatory for publication, literature, methodology, studies and any public interest notice may be published in the register at the initiative of the responsible planning authority.
4. Unless otherwise provided in this law, draft acts and acts that are mandatory for publication in the register shall be published in the register within 10 days of the date of the respective decision.

Article 57

Rules for registration

(Repealed letter 'ç' by law no 28/2017, dated 23.3.2017)

Pursuant to the above-mentioned provisions of this chapter, the Council of Ministers issues sub-legal acts for the approval of:

- a) rules for the support with the financial resources of the national and local planning authorities and other public institutions regarding the maintenance and operation of the registry;
- b) the common geodetic and GIS structure and standards;
- c) rules for the creation, administration, storage and maintenance of data and the structure and format of the registration;
- ç) Repealed.
- d) network connection rules and mutual data transfer between planning authorities and other state institutions;
- dh) the obligations and rights of the national, regional and local authorities of the planning of the register;
- e) the relevant services and fees for them.

CHAPTER VI
TEMPORARY AND LAST PROVISIONS

Article 58
Drafting planning documents

1. The Council of Ministers is tasked to approve the National General Plan no later than 20 months from the date this law enters into force.
2. The planning documents, which are in the process of drafting at the time of entry into force of the National General Plan, are subject to the review process in accordance with it.
3. The local planning authorities are tasked to approve the local planning documents no later than 2 years from the date this law enters into force.
4. For the planning documents, which are in the process of drafting at the moment of entry into force of this law, the provisions of this law shall apply.
5. In order to set up an integrated national planning system, the NTRA is tasked with carrying out an analysis of existing documents, assessing the planning documents that are necessary for the entire territory of the Republic of Albania, and calculating the costs and deadlines necessary for their design.

Article 59
Development control documents

1. Requests for development / construction permits in the process of review at the moment of entry into force of this law shall be evaluated in accordance with the provisions of this law.
2. The development / buildings permits approved before the entry into force of this Law shall be implemented in accordance with the relevant permit conditions.
3. The submission of a construction permit document for permits approved before the entry into force of this law shall be completed within 15 days from the entry into force of this law.
4. The extension of the permit time period and the change of the implementing entity for the construction permits approved before the entry into force of this law shall be performed according to the provisions of this law.

Article 60
By-legal acts

The Council of Ministers is assigned, within 6 months from the entry into force of this law, to issue by-legal acts in accordance with the relevant articles of this law.

Article 61

Repeals

1. With the entry into force of this law, the law no 10 119, dated 23.4.2009, "On Territorial Planning", as amended, and sub-legal acts issued for its implementation are repealed.
2. Law no. 96/2013, dated 4.3.2013, shall be repealed.

Article 7

Temporary provisions

(Added by Law no 73/2015, dated 9.7.2015)

Until the creation and launch of the structure of the technical secretariat of the TCC, the functions of this secretariat will be exercised by the National Territorial Planning Agency.

Temporary provision

(Added by Law no 28/2017, dated 23.3.2017)

1. For the construction permits, which deadline for the implementation of the works has expired, defined in the respective permit form, before the entry into force of law no 107/2014 "On territorial planning and development", as amended, the extension of the deadline may be done by the responsible authority at the request of developers, provided that they have not been more than 10 years from the date of approval of the construction permit and the entity has paid in advance the penalties provided by Article 52 of Law no 107/2014 "On territorial planning and development", as amended.
2. If construction works for these permits have not started in the meaning of Article 9 of Law no 8402, dated 10.9.1998, "On the controlling and disciplining the construction works", as amended, until the date of entry into force of the general local planning document, the postponement of the respective permit term is done following the compliance with the general local plan.

Article 62

Entry into effect

This Law enters into force on 1 October 2018.

SPEAKER Ilir Meta

Approved on 31.7.2014.