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DECISION

No. 860, dated 10.12.2014

ON THE DETERMINATION OF THE METHOD FOR THE COLLECTION AND ADMINISTRATION OF REVENUES FOR ILLEGAL CONSTRUCTIONS AND VALUES APPLICABLE TO LEGALIZATION

(Amended by Decision No. 182, dated 09/03/2016)

Pursuant to Article 100 of the Constitution, Articles 32, point 3, and 43, point 2, of Law No. 9482, dated 3.4.2006, "On the legalization, urbanization and integration of illegal constructions", as amended, upon the proposal of the Minister of Urban Development and Tourism, the Council of Ministers

DECIDED:

1. Revenues for covering the costs of site recording and drafting of documentation for illegal constructions shall consist of:

- a) 30 percent of the fund received from the payments for construction parcels;
- b) revenues collected from the payment of service fees, for illegal buildings with socio-economic and mixed function, and from the payment of penalties, to the extent estimated by ALUIZNI, in accordance with the legislation in force.

2. The service fee for legalization, illegal constructions with a socio-economic function, and second objects, in the sense of Article 25 of Law No. 9482, dated 3.4.2006, "On the legalization, urbanization and integration of illegal constructions", as amended, is 8 000 (eight thousand) ALL for each construction floor.

3. For illegal constructions with a mixed function, the entity shall pay a service fee, in the amount specified in point 2 of this decision, only for the floor used for socio-economic activities.

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4. *(Amended by Decision No. 182, dated 09/03/2016)* The payment of the service fee shall be made within 30 days from the date of written notification by ALUIZNI.

4/1. *(Added by Decision No. 182, dated 09/03/2016)* For illegal constructions, the notification on the payment of the service fee (in cases when such a fee is applied), is delivered to the entity by mail or is delivered immediately after the qualification of construction for legalization (date of the qualification's decision).

5. In case of non-payment of the fee, ALUIZNI, after the approval of the legalization permit, delivers it for registration with legal mortgage on construction, according to Article 54, of Law No. 33/2012, "On immovable property registration".

6. The local tax on infrastructure impact for legalized constructions, regardless of their function, is calculated, collected and administered by the local government units, in accordance with the provisions of Law No. 9632, dated 30.10.2006, "On the local tax system", as amended.

For the implementation of this point, the ALUIZNI directorates shall make available to the local government units the data about constructions provided with legalization permits, at the time of submission for registration at the Local Immovable Property Registration Office.

7. *(Amended by Decision No. 182, dated 09/03/2016)* For the calculation of the penalty for the legalization of extensions of the building entity, according to Article 43, Law No. 9482, dated 3.4.2006, "On the legalization, urbanization and integration of illegal constructions", as amended, the average cost value per m² for the construction of buildings to be used as the minimal fiscal price, based on the instruction of the Council of Ministers, approved in pursuance of letter "dh", Article 34/1, Law No. 9232, dated 13.5.2004. "On social programs for the housing of urban area residents", as amended.

8. *(Amended by Decision No. 182, dated 09/03/2016)* For constructions in areas where no average cost values are approved, the calculation to be made on the basis of the arithmetic average cost of adjacent areas.

9. Decision no. 1180 of the Council of Ministers, dated 5.8.2008, "On the determination of the service fee value for legalization and collection and administration of revenues by the legalization process", as amended, and Decision No. 870, dated 27.12.2006, "On the utilization coefficient of the building under legalization, with socio-economic destination", are repealed.

10. The Ministry of Urban Development and Tourism, Agency for the Legalization, Urbanization and Integration of Informal Areas/Constructions and the local government units shall be responsible for the implementation of this decision.

This decision shall enter into force immediately after the publication in the Official Journal.

PRIME MINISTER

Edi Rama

