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Consolidation of the  
Justice System in Albania

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## DECISION

No. 437, dated 28.6.2006

### **ON THE STIPULATION OF THE PROCEDURES FOR THE COLLECTION, PROCESSING AND ADMINISTRATION OF THE DATA FOR ILLEGAL CONSTRUCTIONS, FOR THE ESTABLISHMENT OF THE DATABASE**

Pursuant to article 100 of the Constitution and articles 4 paragraph 3 and 46 paragraph 1 of law no. 9482, dated 3.4.2006 "On legalization, urbanization and integration of illegal constructions", upon the proposition of the Minister of Public Works, Transport and Telecommunication, the Council of Ministers

## DECIDED:

### **I. The procedures on data collection.**

1. The data are collected through:

- i) the self-declaration by the legal entity or natural person, the owner of the occupied construction plot of land and the illegal construction or of the illegal extension on the legal construction;
- ii) the identification and verification in the field of any illegal construction;
- iii) the map/photography of the existing construction.

2. The urban planning unit in the local governance unit equips any subject with the respective self-declaration form. The form, accompanied with the photos of the four images of the object, shall be filled in and signed by the subject in two copies. One of the copies, signed even by the recipient employee, with the protocol number and sealed with the seal of the institution, shall be returned to the subject.

3. The data collected from the self-declaration shall be registered, verified, preserved, processed, compared, used and communicated but they shall not be changed, corrected or deleted.

4. A special file is opened for every declaration that is carried out, including:

- a) the name of the respective district;
- b) the name of the commune/municipality the illegal construction belongs to;
- c) the zone number, according to the template “The sheet of the register of the form data”, of the location of the declared illegal object or extension;
- ç) the cardinal number given by the urban planning unit for the numbering of the residences, according to stipulation of law no. 9296, dated 21.10.2004 “On the verification, identification and registration of the nationals by the local governance unit”;
- d) the protocol number of the commune/municipality, where the self-declaration is submitted.

5. The data declared through the self-declaration form are registered in the register of the zone, according to the template “The register sheet of the form data”, which is attached to this decision.

6. The side extension or the extension in the height at the legal constructions is registered in a special register, recording the address of the construction land and the respective specifications.

7. The register with illegal constructions, the register of extensions, with a surface beyond the approved permit as well as the register of the extensions for the objects constructed before 1993, according to the respective models attached to this decision.

8. The Urban Planning Office at the local governance unit for any self-declaration form that has been carried out:

- a) identifies, at the map/photo of the existing construction, the illegal object or extension at the legal construction;
- b) verifies in the terrain any indicator and the group of indicators;
- c) drafts the finding minutes.

9. The finding minutes, according to the model approved by ALUIZNI shall be preserved in the file of the declared object.

## **II. Data processing procedures:**

10. The declared and identified data shall be grouped in:

- i) constructions while waiting for the legalization;
- ii) constructions to be demolished;
- iii) constructions with a suspended procedure.

11. In the finding minutes:

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- a) for the constructions with the incorrect declaration of the occupied plot of land, of the construction plot of land, and of the floor number, “false declaration” is noted down;
- b) for the unidentified objects in the map/photography of the existing construction, “carried out after the entry into force of the law” is noted down;
- c) for the constructions, which are under the conditions of non-inclusion in the legalization process due to the hindrances stipulated by article 39 of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of illegal constructions”, “excluded from legalization” is noted down;
- ç) for the objects constructed in private construction lands, within the yellow line, when the general regulatory plans/urban planning studies into force, which provide for constructions over 5 floors from the land level, “excluded from legalization for study purposes” is noted down.

12. The grouping of the constructions to be demolished is composed of all the constructions, where the finding minutes contains the note “false declaration” carried out after the entry into force of the law.

13. The grouping of constructions “with a suspended legalization procedure” include all those objects, for which the judicial proceeding has started, according to the stipulations of articles 13 and 26 of law no. 9482, dated 3.4.2006, “On legalization, urbanization and integration of illegal constructions”, or for which a security measure has been rendered, through a court decision, according to the stipulation of articles 40 of the same law.

14. The objects declared by subjects who have constructed more than one illegal construction, identified after depositing the choice declaration and the declaration on waiving from exercising the right on the construction plot of land, are grouped in the list of the constructions of “legalization with the market conditions”.

15. The surface occupied from the illegal constructions, included in the group “pending for the legalization”, according to the location, is presented in the map and according to the stipulations in law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of illegal constructions”, the border of this plot of land and its topographic position are described in the respective explanatory report. The objects described in paragraph 14 of this decision are included therein.

A special register is opened for each zone.

The entirety of the data of each zone shall be reflected in the “Summary Overview of the data of the zone”, according to the model enclosed to this decision.

16. The surface of the zone reflected in the map, is denominated with one of the terms stipulated in article 3 of law “On legalization, urbanization and integration of the illegal constructions”, according to the

criteria:

- a) of location;
- b) of the amount of the surface occupied from the illegal constructions located in it.

17. The existing construction map/photo, after the approval of the geographic border of the extension of the illegal constructions is updated in the terrain by the local governance unit, according to this procedure:

- a) the declared data of the object identified in the map/photo are verified;
- b) the borders of the construction plot of land are identified in the field and are reflected in the general plan, at the scale 1:500;
- c) the general plan of the object, the boundary of the construction plot of land and the urban conditions are reflected in the map of the zone;
- ç) the boundaries of each plot of land is specified with the neighbouring plots, according to the factual condition;
- d) after the approval of the boundaries of the zone at the respective TRC and after the approval of the contracts on the transfer of ownership at the municipal or communal council, the map of the zone is transmitted to the respective structure of ALUIZNI.

### **III. Data administration procedures**

18. During the four-month period of self-declaration and the legalization process of the illegal constructions, the local governance units proceed as follows:

- a) The urban planning office at the local governance unit completes the self-declaration files, which contain all the information, according to the stipulations in this decision. The file of the “construction pending for the legalisation”, at the end of the completion process is sent to the respective office of the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions. The files of self-declarations shall be archived and administered in compliance with the provisions of the law on the archives.
- b) After the respective decision is filed at the file of the object to be demolished, the execution notification shall be sent to the body that covers the demolition of the illegal constructions.
- c) The files of the objects with suspended legalization procedures are preserved according to the law “On the archives” and after the final court decision is deposited, the legalization procedure is reopened.
- ç) After the files for the objects “excluded from legalization due to the study” are checked and signed per each page by the chairman of the local governance unit, they are archived and preserved according to the legislation on the archives.
- d) The contracts of the transfer of the ownership of the construction plot of land and the payments for it shall constitute the financial documentation and shall be preserved in the respective file.

19. The illegal construction file shall contain the following documentation:

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- a) The self-declaration form, together with its accompanying documentation.
- b) The technical and legal documentation for the legalization of the illegal construction or of the extension on the legal construction.
- c) The finding minutes of the local governance unit.
- ç) The decision and/or the letter of the court on the suspension of the legalization procedures or on the rendering of a security measure.
- d) The declaration on the selection of the object and waiving from the benefit, in the case of two or more illegal constructions declared by the same subject.
- dh) Payment statements.
- e) Approval decisions.
- ë) The evaluation documentation from the respective local governance unit.

After completing the file with the legalization permit, the Agency of Legalization, Urbanization and Integration of the Informal Zones/Constructions shall carry out the initial registration procedures.

20. The immovable property registration office and the Military Topography Institute, the Albanian Geological Service, the Land Study Institute, the Urban Projections and Study Institute, the Land Institute, the local governance units of any level as well as the immovable property registration offices are active participating parties in the legalization, urbanization and integration process of illegal constructions and are compelled to prepare and provide the local governance units and ALUIZNI with all the necessary documentation for the realization of this process.

21. The Immovable Property Registration Central Office, within two months from the entry into force of this decision, stipulates comprehensively the measures and the actions that should be undertaken for the registration in the inventory, the transfer and the compensation of land, according to the stipulations provided for in law no. 9482, dated 3.4.2006 "On the legalization, urbanization and integration of illegal constructions".

22. The Central Office of the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions collects, treats and administers the data for the illegal constructions and the ownership on them. It follows even the progress of the legalization process and provides the local offices of the immovable property registration the necessary documentation.

The informatization of the data, "database", includes any special indicator or group of indicators of an illegal construction and the official documentation which is accepted or issued in compliance with the stipulations of law no. 9482, dated 3.4.2006 "On the legalization, urbanization and integration of illegal constructions".

The database is the same for all the structures responsible for the legalization and registration in the

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immovable property registers of illegal constructions and of the construction plot of land where they have been constructed.

23. The database of the informatization system for the illegal constructions:

- a) is not permitted to be used for other purposes rather than the ones provided for in this decision;
- b) is not permitted to be transmitted to the institutions, entities or subjects, other than the ones provided for in this decision;
- c) may be used during the judicial or administrative proceedings.

Providing that during a legal or administrative proceeding it is verified that the data are incorrect, incomplete or treated in contradiction to the principles of this decision, the proceeding authority notifies the central office of ALUIZNI.

24. The Ministry of Public Works, Transport and Telecommunication, the central administration institutes and the local governance units shall be responsible for the enforcement of this decision.

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

PRIME MINISTER  
**Sali Berisha**

(DRAFT)

**Register sheet of the data of the forms “Self-declaration for the object legalization”**

Region \_\_\_\_\_ District \_\_\_\_\_ Municipality/Commune \_\_\_\_\_ Village/Mini Municipality/Region \_\_\_\_\_ Zone \_\_\_\_\_ Electoral Code \_\_\_\_\_ Block \_\_\_\_\_

No.	Prot. No.	Code of residence (construction plot of land)	Construction Declarer			Number of families	Number of residents	OBJECT															CONSTRUCTI ON LAND		Payment	Photography (pieces)	Family certificate (pieces)	Other documents (pages)	SELF- DECLARATIO N DATE		
								Data of the main object					Main object dimensions			Secondary object dimensions		Projector (YES/NO)	Executant (YES/NO)	Alleged ownership on the construction land (YES/NO)	Surface of the occupied construction land (m <sup>2</sup> )	Date							month	year	
			Name	Father's Name	Last name			Month of construction	Year of construction	Use	Function (not a residence/combined)	Construction condition	Surface of the construction track (m <sup>2</sup> )	Number of floors (on the ground)	Number of floors (underground)	Surface f the attic (if any) (m <sup>2</sup> )	Surface of the object serving to the main object (m <sup>2</sup> )						Wall length (m) (if any)								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		
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**REGISTER SHEET OF THE FORM DATA**

**SELF-DECLARATION ON THE LEGALIZATION FOR THE EXTENSIONS IN THE CONSTRUCTIONS**

District \_\_\_\_\_

Municipality/Commune \_\_\_\_\_

Cardinal number	Prot. No.	Construction address	DECLARER					Object data															Year of construction	Unfinished	Occupied surf. m <sup>2</sup>	Property of the land			
			Name	Father's name	Last name	Signature	With a construction permit	According to the adopted permit					Factual condition of the object					Extension on the approved permit								Private property	Occupied property		
								No. of floors	Total surf. m <sup>2</sup>	Total surf.residence	Garage m <sup>2</sup>	Social economic activity	No. of floors	Total surf. m <sup>2</sup>	Total surf.residence	Garage m <sup>2</sup>	Social economic activity	No. of floors	Total surf. m <sup>2</sup>	Total surf.residence	Garage m <sup>2</sup>	Social economic activity							
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**REGISTER SHEET OF THE FORM DATA**

**FOR OBJECTS WITH EXTENSIONS IN THE CONSTRUCTIONS BEFORE THE YEAR 1993**

District \_\_\_\_\_

Municipality/Commune \_\_\_\_\_

Cardinal no.	Prot. no	Construction address	DECLARER				DATA OF THE OBJECT																Construction year	Unfinished	Occupied surf. m <sup>2</sup>	Property of the land	
			Name	Father's name	Last name	Signature	No. of floors	Total surf. m <sup>2</sup>	Residence total surf. m <sup>2</sup>	Basement m <sup>2</sup>	Social economic activity	No. of floors	Total surface m <sup>2</sup>	Residence total sur. m <sup>2</sup>	Basement m <sup>2</sup>	Social economic activity	No. of floors	Total surf. m <sup>2</sup>	Residence total surf. m <sup>2</sup>	Basement m <sup>2</sup>	Social economic activity	Private property				Occupied property	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
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**REPUBLIC OF ALBANIA**  
**REGION** \_\_\_\_\_  
**MUNICIPALITY/COMMUNE** \_\_\_\_\_

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**SUMMARY OVERVIEW OF THE FORMS**  
**“SELF-DECLARATION FOR LEGALIZATION”**  
**“VETËDEKLARIM PËR LEGALIZIM”**

1. Denomination of the zone/ Informal residential block/ Informal residence: \_\_\_\_\_  
\_\_\_\_\_
  2. Total number of self-declarations: \_\_\_\_\_
  3. Construction time from 199\_\_\_\_\_ up to 200\_\_\_\_\_.
  4. Number of objects with a function:
    - a) Residential: \_\_\_\_\_
    - b) Educational: \_\_\_\_\_
    - c) Health: \_\_\_\_\_
    - d) Social-Cultural: \_\_\_\_\_
    - e) Residential + another activity \_\_\_\_\_
  5. Occupied surface (currently according to the self-declarations): \_\_\_\_\_ ha
  6. Territory surface that is proposed: \_\_\_\_\_ ha
  7. Total number of the construction plots of land: \_\_\_\_\_
    - a) up to 100 m<sup>2</sup> \_\_\_\_\_
    - b) up to 200 m<sup>2</sup> \_\_\_\_\_
    - c) up to 300 m<sup>2</sup> \_\_\_\_\_
    - d) up to 400 m<sup>2</sup> \_\_\_\_\_
    - e) up to 500 m<sup>2</sup> \_\_\_\_\_
    - f) >500 m<sup>2</sup> \_\_\_\_\_
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8. Type of ownership on the land where the constructions are carried out:

- a) private property with an ownership certificate: \_\_\_\_\_ ha
- b) private property with a contract on property transfer: \_\_\_\_\_ ha
- c) public property: \_\_\_\_\_ ha

9. Construction service: \_\_\_\_\_ m<sup>2</sup>

- a) Surf. of objects with a residential function: \_\_\_\_\_ m<sup>2</sup>
- b) Surf. of objects with an economic function: \_\_\_\_\_ m<sup>2</sup>
- c) Surf. of objects with a residential function + another activity: \_\_\_\_\_ m<sup>2</sup>

10. Total number of the objects: \_\_\_\_\_

- a) 1-floor objects: \_\_\_\_\_
- b) 2-floor objects: \_\_\_\_\_
- c) > 3-floor objects: \_\_\_\_\_

11. Number of families: \_\_\_\_\_

12. Number of residents: \_\_\_\_\_

13. Zone exploitation coefficient: \_\_\_\_\_ %.

Director of urban planning unit  
(.....)

Mayor/Commune President  
(.....)