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DECISION

No. 1032, dated 16.12.2015

ON THE DOCUMENTATION OF THE AGREEMENTS OF THE STRATEGIC INVESTORS WITH THE OWNERS OF THE IMMOVABLE PROPERTIES, BEING PRIVATE PROPERTY

Pursuant to article 100 of the Constitution and paragraph 1, article 28 of law no. 55/2015, "On strategic investments in the Republic of Albania", with the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

DECIDED:

I. INVESTORS' AGREEMENTS WITH PRIVATE OWNERS

1. The strategic investors, who have gained the status "Strategic investment/investor, special procedure", before requiring the expropriation of the owners of the immovable property, being private property, impacted by the strategic investment, shall carry out and document the procedures on the realization of an agreement with the owners according to the stipulations of this decision. For the fulfillment of this obligation, the investors propose to the owners to sign the special agreements, offering them appropriate alternative and/or compensating instruments.

2. The alternative instruments offered by the investors include, without being limited:

- a) the possibility of the temporary use of the properties, being private property;
- b) the possibility to use the properties, being private property, through the contracts that do not stipulate the transfer of the property, but provide for the right of use or transfer, such as: rent, easement, emphyteusis, usufruct or similar contracts.

3. In the cases when the strategic project cannot be realized without violating the immovable properties, the investor should offer to the owners an agreement for the sale/purchase of the properties, with a financial compensation not smaller than the compensation financial value as a consequence of expropriation or an alternative agreement, which provides benefits of a different nature, which result to be acceptable for the owners.

4. With regard to the support for the fulfillment of the strategic investment, in the cases when there are the objective possibilities, before the state starts the expropriation procedures, it provides the owners of the immovable properties, which are private properties and are impacted by the project, with an appropriate resettlement. The resettlement costs are calculated as a part of the expenses and of the state co-participation in the investment.

II. PROCEDURES FOR REACHING AN AGREEMENT WITH THE OWNERS

1. The investor shall identify the immovable properties and the respective owners, impacted by the strategic investment, based on the official data of the registration of the immovable properties.

2. The investor shall directly contact the identified owners, according to the documentation of the offices of the immovable property registration, by agreeing with them about the dates and the appropriate procedures for the realization of the negotiations.

3. In the cases when the investor finds it impossible to contact the owners directly, they are informed through a publication, for a 15-day time limit, in the written and television media, through a public announcement, which contains information on the strategic project, the owners' data, according to the documentation of the offices of the immovable property registration and the specification of the location, date and time of the special meetings with the owners. The date for the realization of the meeting with the owners cannot be earlier than 15 days from the first publication of the announcement. The owners are entitled to propose to the investor alternative dates, according to their possibilities and availabilities, with a 15-day time limit from the date of contacting them or from the date of the first publication of the announcement.

4. In the meetings and the negotiations that the investor carries out with the owners, the investor offers them all the necessary information on the project and proposes to them the respective agreement, where the alternative instruments or the appropriate compensation are stipulated.

6. The investor organizes preliminary consultations and meetings to discuss the conditions of the agreements with the owners. The time limit for the conclusion of the negotiations cannot be less than 30 days from the date of the first meeting, but, anyway, not more than 60 days from this date.

7. The respective minutes shall be taken in the meetings that are organized, recording the participants, the proposals, the conditions of the agreements, discussions and if the respective agreements were reached or not.

8. In order for the strategic investors to reach the agreement with the owners, they are entitled to ask assistance and support from the Albanian Investment Development Agency regarding:

- a) the collection of information from the offices of the immovable property offices;
- b) the presence of the representatives of the agency in the preliminary meetings and consultations;
- c) the preliminary information on the immovable property value.

The agency supports the strategic investors with all the information and the data required by them, through the interinstitutional assistance with the respective bodies, and when it is asked, the agency participates in the meetings of the investors with the owners.

9. The agency monitors the compliance of the investor with the procedures for reaching the agreements with the owners, verifying the information and the documents presented by the investor in this procedure.

10. Only in the cases when the investor has documented the realization of all the procedures for the realization of the agreements with the owners of the immovable properties, being private property, and after a time limit of 90 days, from the date of the first meeting the agreement with the owners is not reached, the strategic investor may require the expropriation in compliance with the procedures stipulated in the Albanian legislation on expropriations.

III. LAST PROVISIONS

The Albanian Investment Development Agency shall be responsible for the implementation of this decision.

This decision enters into force after the publication in the Official Journal.

PRIME MINISTER
Edi Rama