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DECISION¹

No.411, dated 19.5.2010

ON THE CRITERIA, PROCEDURES AND FORM TYPE OF THE LEGALIZATION PERMIT

(Amended with Decision No. 40, dated 11/01/2012)

Pursuant to article 100 of the Constitution and article 28 of law no.9482, dated 3.4.2006 "On legalization, urbanisation and integration of the illegal constructions", as amended, with the proposal of the Minister of Public Works and Transportation, the Council of Ministers

DECIDED:

1. The Agency of Legalisation, Urbanisation and Integration of Informal Zones/Constructions (ALUIZNI) issues the legalisation permit on the informal object/illegal extension in legal constructions, when:
 - a) the voluntary self-declaration on the informal object/illegal extension in legal constructions is carried out within the legal time limit;
 - b) the informal object/illegal extension in legal constructions is not in the conditions of exclusion from legalization, in compliance with the provisions of law no.9482, dated 3.4.2006 "On legalization, urbanization and integration of illegal constructions", amended;
 - c) the technical-legal documentation, provided for in articles 27 and 37 of law no. 9482, dated 3.4.2006, as amended, has been completed for the informal object/illegal extension in legal constructions;

¹Decision repealed with Decision of the CoM No. 954, dated 25/11/2015; herein included for clarification puposes.

- ç) the owner has made the payments provided for in paragraphs 1, 2, 3 and 5 of decision no. 1180, dated 3.12.2006 of the Council of Ministers “On the determination of the value of the service fee and the collection and administration of the legalization process incomes”, as amended.
2. *(Amended with Decision No. 40, dated 11/01/2012)* The ALUIZNI directorates attached to the districts, after the verification of the documentation and the evaluation regarding the fulfilment or not of the conditions mentioned in paragraph 1 of this decision, on the informal object/illegal extension in legal constructions, make a decision on the qualification for the legalization or the exclusion from the legalization. The decision, which is accompanied with the reasoned respective act, is administered as a constituent part of the legalization file.
3. The ALUIZNI directorates attached to the districts, after the qualification for the legalization of the informal objects/illegal extension in legal constructions, act as follows:
- a) *(Amended with Decision No. 40, dated 11/01/2012)* They publish in the written media and on the official website, the list of the possessors of the informal objects/illegal extension in legal constructions, which are qualified for legalization and of the ones that are excluded from legalization.
- b) They draft the technical documentation (the general plan, the layout and the fragment of the air digital photography).
- c) They calculate the financial obligations of the informal object/illegal extension in legal constructions and notify the possessors to pay them.
- ç) They accept from the interested subject, the documentation stipulated in articles 27 and 37 of law no. 3.4.2006, as amended.
- d) They sign the contract on the transfer of the property right of the construction plot of land, from the state to the possessor of the informal object/illegal extension in the legal construction, in compliance with article 17 of law no. 9482, dated 3.4.2006, as amended.
- dh) *(Amended with Decision No. 40, dated 11/01/2012)* Within 30 (thirty) days, from the date when the payment is made, according to letter "ç" of paragraph 1, of this decision, they issue and equip the subject with the legalization permit for the informal object/illegal extension in the legal construction.
- e) *(Added with Decision No. 40, dated 11/01/2012)* They publish in the written media and on the official webpage the lists with the name of the subjects, whose objects are equipped with a legalization permit and transmit them to the units of the local governance for announcement and publication.
4. *(Amended with Decision No. 40, dated 11/01/2012)* The possessors of the object or the interested subjects, within a month from the date of the publication of the list with the names, mentioned in paragraph 3 of this decision, may file an administrative appeal at the Central Directorate of ALUIZNI against the respective decision/permit of the directorate of ALUIZNI attached to the district according to the procedure stipulated with law no. 8485, dated 15.5.1999 “Code of the Administrative Procedures of the Republic of Albania”.
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5. The legalization permit, along with the documentation necessary for the registration, are sent to the local offices of immovable property registration, by the directorates of ALUIZNI, in the districts.
6. *(Amended with Decision No. 40, dated 11/01/2012)* With regard to the informal objects/illegal extensions in the legal constructions, which are excluded from the legalization process, the directorates of ALUIZNI attached to the districts send a written notification to their possessors as well as to the bodies of the local governance units, where they are located. Within 30 (thirty) days from the date when the notification is received, the possessor may appeal against the decision of exclusion at the Central Directorate of ALUIZNI.
7. The legislation template form is according to the template which attached to this decision.
8. Decision no. 871, dated 27.12.2006 of the Council of Ministers “On the criteria, procedures and the legalisation template form” is repealed.
9. The Ministry of Public Works and Transport, the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions as well as the Central Office of Immoveable Property Registration shall be responsible for the enforcement of this decision.

II. *(Added with Decision No. 40, dated 11/01/2012)* The Directorates of ALUIZNI at the districts, within 30 (thirty) days from the entry into force of this decision, shall finalize the review/verification of the requests/documentation filed for legalization for the informal objects/illegal extensions and based on the assessment if the required conditions are met or not, they shall issue the respective decisions on the qualification for legalization or the exclusion from legalization.

III. *(Added with Decision No. 40, dated 11/01/2012)* The Ministry of Public Works and Transport, the Agency of Legalization, Urbanization and Integration of Informal Zones/Constructions and the units of the local governance shall be responsible for the enforcement of this decision.

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

PRIME MINISTER
Sali Berisha

SERIAL NUMBER: 180 000 000

REPUBLIC OF ALBANIA
AGENCY OF LEGALIZATION, URBANIZATION AND INTEGRATION OF INFORMAL ZONES/CONSTRUCTIONS
REGIONAL DIRECTORATE OF ALUIZNI

LEGALIZATION PERMIT

No. ____, date __/__/200__

Based on law no. 9482, dated 03.04.2006

“On legalization, urbanization and integration of illegal constructions”

ON THE OBJECT: _____

Is given to: _____

Name *Father's Name* *Last name*

Name *Father's Name* *Last name*

Name *Father's Name* *Last name*

With the following address: _____

In ____ the zone/____ residence/____ residential block/____ informal construction/ ____ other territories, identified ____ with the Decision of the TRC/TRCRoA, No. ____, date __/__/200__.

Data of the object: Cadastral Zone _____ Property No. _____

Surface of the construction plot of land: _____

Surface of construction: _____

Total construction surface: for residence _____ m²/for activity _____ m²

Number of floors: on the ground _____; underground _____

Special conditions: _____

Boundaries of the property:

North: _____

South: _____

East: _____

West: _____

The above data according to the general plan and to the attached blueprints.

Title of the property over the land certified with the document:

Head of the Legalization Sector

Director

THIS DOCUMENT SHALL BE COMPLETED IN THREE COPIES AND TOGETHER WITH THE GENERAL PLAN AND THE BLUEPRINTS OF THE OBJECT, IT IS VALID FOR REGISTRATION AT THE IMMOVABLE PROPERTY REGISTRATION OFFICE.

DECISION

No. 954, dated 25.11.2015

ON THE STIPULATION OF THE CRITERIA, THE PROCEDURES AND THE FORM OF LEGALIZATION PERMIT

Pursuant to article 100 of the constitution and article 28 of law no. 9482, dated 3.4.2006, "On the legalization, urbanization and integration of the illegal constructions", as amended, upon the proposal of the Minister of Urban Development, the Council of Ministers

DECIDED:

1. The legalization permission shall be approved for the informal construction, which is qualified for legalization, in compliance with the stipulations of decision no. 280, dated 1.4.2015, of the Council of Ministers "On the stipulation of the criteria, procedures and documentation applicable for the qualification of the illegal constructions, side extensions/extensions on the height in the legal constructions".
2. The subordinate directorate of ALUIZNI shall approve the legalization permit within 30 (thirty) days from the moment of the qualification of the informal construction (date of the decision of the qualification).
 - 2/1. *(Amended with Decision No. 660, dated 21/09/2016)* The legalization permission shall be approved after the documentation of certification for the liquidation of the tax for the impact on infrastructure shall be administered only if this tax is calculated by ALUIZNI and is paid before Law No. 50/2014 enters into force. For the other cases, this documentation shall be administered by the local governance unit according to the stipulations of article 23, of law no. 9482, dated 3.4.2006 and its absence does not prevent the adoption of the legalization permission.
 - 2/2. *(Amended with Decision No. 660, dated 21/09/2016)* The ownership documentation of the construction land or of the existing construction, for the illegal extensions, shall be administered before the approval of the legalization permit only if the subject possesses it according to the stipulations of articles 27, letter "d" and 28 of law no. 9482, dated 3.4.2006 "On legalization, urbanization and integration of illegal constructions", as amended. The lack of this documentation does not prevent the adoption of the legalization permit.

The same rule is valid even for the documentation provided for in letter "ë" of article 27 of law no. 9482, dated 3.4.2006, as amended.
3. The legalization permit shall be approved for the beneficiary subject, who accordingly is the applicant for legalization and/or the person whose rights on the illegal construction have been recognized through:
 - a) The legal-civil actions (contract on the transfer of the right to legalize the construction), inheritance or through the applicant's statement for the recognition of the rights on construction;
 - b) The final court decision.

- The documentation, according to letter “a” shall be submitted by the subjects before the finalization of the administrative procedures of the approval of the legalization permit.
4. With regard to the informal extensions, when the main construction (the legal construction) is alienated or when it is not in the ownership of the applicant for legalization, the stipulations of paragraph 11 of decision no. 280, dated 1.4.2015 of the Council of Ministers “On the stipulation of the criteria, procedures and the documentation applicable for the qualification of the illegal permits, side extensions and/or in the height, in the legal constructions” shall be applied for the approval of the legalization permit.
 5. Within 10 (ten) days from the approval date, the legalization permit, accompanied with the technical documentation, shall be submitted or sent via mail to the beneficiary subject.
 6. With regard to the informal constructions, which are subject to the transfer of the right of ownership, the privatization permit shall be approved before the examination of these procedures and shall be submitted to the beneficiary subject, together with the accompanying documentation.
 7. The time limits and the procedures, pursuant to paragraph 6, shall be regulated with the decision of the Council of Ministers, in compliance with letter “d” of paragraph 1 article 17 of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of the illegal constructions”, as amended.
 8. The suspension of the administrative procedures and of the approval of the legalization permit shall be carried out only in the cases when:
 - a) the conditions of article 26 of law no. 9482, dated 3.4.2006 “On legalization, urbanization and integration of illegal constructions”, as amended, are met for the informal constructions and the side/in-the-height extensions, for those judicial reviews whose object are the disputes on the ownership right on the construction/extension itself or on the construction plot of land;
 - b) the conditions of article 40, law no. 9482, dated 3.4.2006 shall be fulfilled for the side/in-the height extensions, when the security measure of attachment is rendered by the court, in the framework of the review of the disputes between the applying subjects and the owner of the private or boundary construction land.
 9. The list of the subjects benefiting from the legalization permits, accompanied with the data of the properties (address, cadastral zone, property number) is displayed in the premises of ALUIZNI and at the local governance unit and is published on:
 - a) *(Added with Decision No. 660, dated 21/09/2016).*
 - b) The official webpage of ALUIZNI.
 10. The interested subjects, in compliance with the time limits stipulated in the provision of the Code of Administrative Procedures, are entitled to file an administrative appeal for the legalization permit or when the ALUIZNI directorate does not approve it within the time limit stipulated in this decision, in the General Directorate of ALUIZNI.
 11. *(Amended with Decision no. 164, dated 02/03/2016)* In the cases when there is a conflict of interest, according to the meaning of law no. 9367, dated 7.4.2005 “On the prevention of the

conflict of interests during the performance of public functions”, as amended, with a preliminary request of the interested subject, the General Directorate of ALUIZNI, authorizes another directorate of subordination to carry out the legalization procedures of the informal constructions.

12. The form of the legalization permit shall be accompanied with the general plan and with the blueprint specifying:
 - a) the type and function of the object that is legalized;
 - b) the subject benefiting the legalization permit;
 - c) the construction condition and the location of the object;
 - ç) the ownership over the construction and, etc.
13. The schematic presentation and the mode of completion of the construction permit shall be approved upon the order of the General Director of ALUIZNI.
14. Decision no. 411, dated 19.5.2010 of the Council of Ministers, “On the criteria, procedures and type of the legalization permit form”, as amended, shall be repealed.
15. The Ministry of Urban Development and the Agency of Legalization, Urbanization and Integration of the Informal Zones/Constructions shall be responsible for the implementation of this decision.

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

PRIMEMINISTER
Edi Rama