



Funded by the
European Union



Disclaimer

Please note that this document is an unofficial translation and consolidation and is provided for information purposes only. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in the Albanian language. EURALIUS makes no guarantee of accuracy and waives responsibility for the use that might be made of the following information.

DECISION

No. 589, dated 10.9.2014

ON THE DETERMINATION OF PROCEDURES FOR THE FACTUAL SITE IDENTIFICATION OF ILLEGAL CONSTRUCTIONS/EXTENSIONS IN ILLEGAL CONSTRUCTIONS, BODIES AND DOCUMENTATION FOR THE PROPOSAL AND APPROVAL OF INFORMAL AREAS

(Amended by Decision No. 634, dated 07/09/2016)

Pursuant to Article 100 of the Constitution and Articles 10 and 45/1, point 1 of Law No. 9482 dated 3.4.2006, "On 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:

Determination of procedures for the factual site identification of illegal constructions, extensions in illegal constructions, bodies and documentation for the proposal and approval of informal areas.

I. FACTUAL SITE IDENTIFICATION OF ILLEGAL CONSTRUCTIONS/EXTENSION IN ILLEGAL CONSTRUCTIONS

1. *(Amended by Decision No. 634, dated 07/09/2016)* For the exercise of all responsibilities of local government units and district councils regarding the identification on site of illegal constructions, drafting of documentation on the basis of factual situation and reviewing and approving of legalization procedures, the Agency for Legalization, Urbanization and Integration of Informal Areas/Constructions (ALUIZNI) applies only the procedures set out in this decision. As a rule, identification on site and the drafting of documentation of the factual situation of illegal facilities and extensions, hereinafter referred to as

Ministry of Justice,
Boulevard "Zogu I"
Tirana, Albania
Tel: +355 4 22 40 333
E-mail: info@euralius.eu
Web: www.euralius.eu



“informal constructions”, is conducted by ALUIZNI Departments, according to the “cadastral block” structural unit.

The procedures for identifying and drafting the documentation of the factual situation of informal constructions include:

- a) updating the data of the construction status;
- b) completion of the observance minutes according to the model approved by order of the general director of ALUIZNI;
- c) creation of an updated map in electronic format and hard copy and drafting of technical documentation (genplan, alignment).

1/1. *(Added by Decision No. 634, dated 07/09/2016)* When, from the site record, ALUIZNI cannot determine the function of the informal construction, because it is unfinished in volume, then the construction’s possessor shall declare the destination of its use through a notarial act. Otherwise, the function is presumed to be “social-economic”.

1/2. *(Added by Decision No. 634, dated 07/09/2016)* ALUIZNI is not responsible, in any case, for changes in the construction status or the function of the informal construction, made after identification on site (completion of the observance minutes).

2. *(Amended by Decision No. 634, dated 07/09/2016)* For informal constructions, which are included for the first time in legalization procedures, according to point 1 of Article 2, Law No. 9482, dated 3.4.2006, “On legalization, urbanization and integration of illegal constructions”, as amended, a declaration for inclusion in this process is completed by possessing subjects.

The form, method of administration and term for completing the declaration are determined by the instructions of the General Director of the Agency for Legalization, Urbanization and Integration of Informal Areas/Constructions (ALUIZNI).

3. Verification of informal constructions, within the time periods determined in Law No. 9482, dated 3.4.2006, “On legalization, urbanization and integration of illegal constructions”, as amended, is made through at least one of the following forms:

- a) Use of the air photography product of the territory of the Republic of Albania for the period of time it covers.
 - b) Satellite or aerial images of general use, under the terms and conditions set forth by the possessing subjects.
 - c) Use of survey plans within the initial immovable property registration, administered by immovable property registration offices.
 - ç) Substantiation by alternative means, through any other legally valid document proving the existence of informal construction at the given time (on a certain date and place).
-

The documentation, which proves the period in which the informal construction has been made, is administered in the legalization documentary practice.

3/1. *(Added by Decision No. 634, dated 07/09/2016)* When the declaration of inclusion under point 2 of this decision is not completed, the possessor of the informal construction may submit a request to ALUIZNI. In such a case, the ALUIZNI directorates carry out in advance the verifications according to point 3 of this decision, and if it results that the construction is included in the scope of application of Law No. 9482, dated 3.4.2006, as amended, the possessor is given the opportunity to complete the declaration of inclusion.

4. In order to carry out the procedures set forth in point 1 of this decision, the Agency for Legalization, Urbanization and Integration of Informal Areas /Constructions (ALUIZNI) may authorize private entities, licensed in the respective fields, in accordance with the legislation in force for public procurement.

II. APPROVAL OF INFORMAL AREAS AND APPLICABLE DOCUMENTATION

5. The directorates under the Agency for Legalization, Urbanization and Integration of Informal Areas/Constructions (ALUIZNI) should conduct site identification procedures, prepare the documentation of the factual situation of informal constructions, and draft technical and legal documentation for the informal area.

6. *(Amended by Decision No. 634, dated 07/09/2016)* An informal area will be considered a territory over 2 hectares, occupied by informal constructions, whose process of legalization is not subject to the conditions of territorial planning documents.

The directorates under the Agency of Legalization, Urbanization and Integration of Informal Areas/Constructions (ALUIZNI), for the proposal of the informal area, are orientated by:

- a) factual identification of informal constructions in the respective territory;
- b) the restrictive administrative line of local government units;
- c) morphology and conditions of relief;
- ç) the status of ownership and legal status of the territory.

7. The proposal for the informal area consists of the following documentation:

- a) Map of the informal area updated at the scale of 1:1000 to 1:2500, where it is reflected:
 - i) the proposed new restrictive line;
 - ii) the revised restrictive line of the informal area in relation to the previous one;
 - iii) the restrictive administrative line of the local government unit/s;
 - iv) the boundary of cadastral area;

- v) the boundary of territories and objects enjoying special legal qualities.
 - b) Summary table, where data on informal constructions are reflected;
 - c) Map of scale 1:2500 to 1:25000, showing the proposed area in relation to the administrative boundaries;
 - ç) Descriptive and argumentative report of the proposal with statistical data for the informal area.
8. The proposal for the informal area and the documentation prepared according to point 7 of this decision shall be filed for review at the technical council, a collegial body at the General Directorate of the Agency of Legalization, Urbanization and Integration of Informal Areas/Constructions (ALUIZNI).
9. The technical council exercises the responsibilities set forth in this decision and in the other sub-legal acts. Its composition and organization are determined by order of the Prime Minister.
10. The control and evaluation of the documentation according to point 7 of this decision shall be performed by the technical council within 60 (sixty) days from the date of its filing.
11. The documentation elaborated by the technical council is submitted for review and approval to the National Council of the Territory, according to the stipulations of Article 11, Law No. 9482, dated 3.4.2006, “On legalization, urbanization and integration of illegal constructions”, as amended.
12. Decision No. 515, dated 13.5.2009, of the Council of Ministers, “On the determination of the terms, method and time of exercise by ALUIZNI of the responsibilities of urban planning offices and district councils during the procedures of legalization of informal objects”, as amended, and instruction no. 6, dated 8.11.2006, of the Minister of Public Affairs and Transport, are repealed.
13. The Ministry of Urban Development and Tourism, the Agency of Legalization, Urbanization and Integration of Informal Areas/Constructions and the National Council of Territory shall be responsible for the implementation of this decision.
6. *(Added by Decision No. 634, dated 07/09/2016)* Throughout the decision, the denominations “Minister of Urban Development and Tourism” and “Ministry of Urban Development and Tourism” are respectively substituted by “Minister of Urban Development” and “Ministry of Urban Development”.

This decision shall enter into force immediately and it shall be published in the Official Journal.

PRIME MINISTER
Edi Rama

