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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**L A W \***  
**OF THE REPUBLIC OF ALBANIA**  
**ON THE ORGANISATION**  
**AND FUNCTIONING OF LOCAL GOVERNMENT**

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\* Translation by K. Imholz, September 19, 2000. Official Journal 25/2000 (August), effective date: August 23, 2000.

**LAW**  
**No. 8652, dated July 31, 2000**

**ON THE ORGANIZATION AND FUNCTIONING OF LOCAL GOVERNMENT**

In reliance on articles 13, 81, 83 point 1 and 108-115 of the Constitution, on the proposal of the Council of Ministers,

**THE ASSEMBLY**  
**OF THE REPUBLIC OF ALBANIA**

**D E C I D E D:**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Object of the Law**

This law regulates the organization and functioning of the units of local government in the Republic of Albania, as well as setting their functions, competencies, rights and duties and those of their respective organs.

**Article 2**  
**Definitions**

Within the meaning of this law:

1. A "function" is a field of activity for which a specified organ is responsible.
2. "Delegated functions" are functions of the central government or other central institutions that by law or agreement are designated to be realized by units of local government in the manner and to the extent specified by the central government and other central institutions.
3. "Joint functions" are functions for which the unit of local government has its part of the responsibility distinct from the part of the responsibility given the central government, and which are jointly accompanied proportionally with competencies that it exercises in an autonomous manner.
4. "Their own functions" are functions given by law to the unit of local government, for which it is responsible for realization and has the freedom and authority to take decisions and to use assets for their realization, within the space of norms, criteria and standards that are generally accepted by law, possessing full administrative, service, investment and regulatory authority.
5. A "competency" is an authority given by law to an organ for the performance of a function.
6. "Their own competencies" are exclusive authorities that have been given by law to units of local government for the realization of their own functions.
7. An "administrative competency" is a competency for the management of structures and personnel (promotion, improvement, abolition of structures as well as appointment, discharge, transfer, qualification, specification of pay and compensation for personnel) in compliance with the legislation in force.
8. A "delegated competency" is a competency of the central government that, by law or by agreement, has been given to a unit of local government.

9. An “investment competency” is a competency for the planning, distribution and realization of investments.

10. A “regulatory competency” is a competency for creating and establishing rules (granting licenses, setting hours, imposing fines, or in general granting of rights or creating obligations), respecting standards and the legislation in force.

11. A “service competency” is a competency for planning, disseminating and realizing the maintenance in good order of auxiliary services and objects.

12. “Central government” is the Council of Ministers, the ministries and the other central institutions of the state.

13. “Reorganization” is a change in the administrative-territorial division.

14. A “subject of joint competencies” is a committee, entity, institution, enterprise or board, created by two or more units of local government or between units of local government and central institutions, with the purpose of performing a service or fulfilling a joint duty.

15. “Subsidiarity” is the principle of the performance of functions and the exercise of competencies at a level of government as near the citizen as possible.

### **Article 3** **Mission of Local Government**

Local government in the Republic of Albania assures governance at a level as near the citizens as possible through:

recognition of the existence of different values and identities of communities;

respect for the basic rights and freedoms of citizens sanctioned in the Constitution or in other laws;

selection of various types of local public services and other facilities for the benefit of the community;

ç) effective exercise of the functions, competencies and realization of duties by the organs of local government;

realization of services in appropriate forms;

dh) effective encouragement of participation of the community in local governance.

### **Article 4** **Basic Principles of the Functioning** **of the Organs of the Units of Local Government**

1. The organs of the units of local government operate on the basis of the principle of local autonomy.

2. Relations between the organs of the units of local government and their relations with the organs of central government are based on the principle of subsidiarity and cooperation for the solution of mutual problems.

3. In their activity the organs of the units of local government respect the Constitution, the laws and the acts issued on the basis of and for implementation of them.

4. The organs of the units of local government are juridical persons.

5. Every commune, municipality and region is an organ governing with continuity.

## **CHAPTER II UNITS OF LOCAL GOVERNMENT**

### **Article 5**

#### **Definition of Commune, Municipality, Region and Subdivisions**

1. The basic units of local government are the commune and the municipality.
2. The commune represents an administrative-territorial unity and community of inhabitants, as a rule in rural zones and in special cases also in urban zones. The territorial extent, the name and the center of the commune are specified by law. The subdivisions of the commune are called villages and in special cases cities. The specification of the territory of the subdivisions is done by the communal council.
3. The municipality represents an administrative-territorial unity and community of inhabitants principally in urban zones and in special cases also includes rural zones. The territorial extent and the name of the municipality are set by law. The subdivisions of the municipality into urban zones are called wards<sup>1</sup>. Wards are created in territories with over 15,000 inhabitants by decision of the municipal council. When a municipality includes rural zones, the subdivision is called a village. A village is created in a territory with over 200 inhabitants. A residential center that has an approved urban development plan is promulgated a city. The promulgation of a city is done by law.
4. The region is a unit of the second level of local government.
5. The region represents an administrative-territorial unity, consisting of several communes and municipalities with geographical, traditional, economic and social ties and joint interests. The boundaries of a region comport with the boundaries of the communes and municipalities that constitute it. The center of the region is set in one of the municipalities contained in it. The territorial extent, the name and the center of the region are set by law.
6. The subdivision of the region is the district. The territorial extent, name and center of a district are set by law.
7. The management of the subdivisions of communes, municipalities and regions is set in Chapter VIII of this law.

### **Article 6**

#### **Organs of the Units of Local Government**

1. In every commune, municipality and region, the representative organs and the executive organs of local government are created.
2. The representative organ of the commune or municipality is the communal or municipal council. The executive organ of the commune and municipality is the mayor<sup>2</sup> of the commune and municipality.
3. The representative organ of the region is the regional council. The executive functions in the region are performed by the chairman and the chairmanship<sup>3</sup> of the regional council.
4. The representative and executive organs in communes and municipalities are elected in general elections, direct and by secret vote, in the manner prescribed in the Electoral Code of the Republic of Albania.

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<sup>1</sup> Translator's note: The Albanian word "lagje" is a section of a city; sometimes it is translated by the word neighbourhood; ward is borrowed from US urban parlance, but may not be the best word.

<sup>2</sup> Translator's note: The word "kryetar," literally headman, is translated "mayor" for the executive head of these units and "chairman" for the head of the representative organ or council of these units.

<sup>3</sup> Translator's note: The word "kryesia" is sometimes also translated as "leadership" or "leading body."

5. The representative organ of the region is created with representatives from the elected organs of the communes and municipalities that constitute it, in the manner specified in the Constitution and in Chapter IX of this law.

6. The chairman and chairmanship of the regional council are elected by the regional council, in the manner specified in Chapter IX of this law.

### **CHAPTER III THE RIGHTS OF THE UNITS OF LOCAL GOVERNMENT**

#### **Article 7**

#### **Exercise of Authority in the Local Public Interest**

1. The organs of the units of local government may undertake initiatives with a local public interest on every question that is not prohibited by law or that has not been given by law to another state organ.

2. The organs of the units of local government exercise their competencies through decisions, ordinances and orders.

#### **Article 8**

#### **The Rights of the Units of Local Government**

1. The units of local government enjoy these rights:

##### **I. The right of governance**

They specify the measures that they consider necessary for the performance of functions and the exercise of competencies.

Based on the Constitution, laws and statutory acts issued on the basis of and for implementation of them for the performance of functions and the exercise of competencies, they issue ordinances, decisions and orders that are binding on all subjects included in the act in their jurisdiction.

They create administrative structures for the performance of their functions and the exercise of their competencies according to the laws in force.

ç) They create economic units and institutions under their dependency.

They create committees, boards or commissions for the performance of particular functions whenever the need is presented.

dh) They create administrative-territorial subdivisions within the jurisdiction, for increasing efficiency in the performance of their governing functions, in the manner provided in this law.

##### **II. The right of ownership.**

a) The units of local government have the right of ownership. They earn, sell and permit the use of their immovable or movable property, and they exercise other rights in the manner specified by law.

b) The right to gain property through expropriations for a public interest by the units of local government is regulated by separate law.

c) The right of property is exercised by the respective council, which may not delegate the exercise of this right to anyone else.

##### **III. The right to collect income and incur expenses.**

a) They create, collect income and incur expenses for the fulfillment of their functions.

b) They impose fees and tariffs for services as well as their level in compliance with the legislation in force and the interests of the community.

c) They draw up, approve and implement their budget.

**IV. The right to perform economic activities.**

a) For the fulfillment of public functions in the interest of the community that they represent, they carry on economic activity that does not conflict with the fundamental directions of the economic policies of the State.

b) The income that is gained from economic activity is used, in the largest part, for the support and fulfillment of public functions.

c) The economic activity of units of local government is regulated in accordance with the legislation in force.

**V. The right of cooperation.**

a) For the performance of specific services in the name and for the benefit of the respective communities, two or more units of local government may together exercise every function that is given to them by law, through the implementation of joint contracts or agreements, the delegation of particular responsibilities and competencies to one another or contracting with a third party.

b) They cooperate with units of local government of other countries and are represented in international organizations of local governments in accordance with the legislation in force.

c) They have the right to be organized in associations, in compliance with the respective legislation on associations.

**VI. The right of a juridical person.**

As juridical persons, the units of local government enjoy and exercise all the rights specified in the Civil Code of the Republic of Albania and the legislation in force:

a) the right to enter into a contract;

b) the right to create other juridical persons;

c) the right to bring a civil suit;

ç) the right to keep accounts;

d) other rights for the exercise of functions on the basis of and for implementation of the laws and substatutory acts.

**VII. Other rights.**

a) They give titles of honor and incentives.

b) They decide on the naming of territories, objects and institutions under their jurisdiction, according to the criteria specified by law.

2. Units of local government have their seal and symbols.

3. The above rights are exercised by the organs of the units of local government according to the specifications made in this law.

**CHAPTER IV**  
**FUNCTIONS AND COMPETENCIES OF**  
**THE COMMUNE, MUNICIPALITY AND REGION**

**Article 9**  
**Types of Functions**

The commune, municipality and region carry out their own functions, joint functions and delegated functions.

## **Article 10**

### **Own Functions of the Commune and Municipality**

1. Communes and municipalities have full administrative, service, investment and regulatory competency over their own functions specified in this article. They exercise these functions in compliance with the time periods specified in Chapter XI of this law.

2. Communes and municipalities exercise the competencies for performance of their own functions while respecting national and regional policies. For these functions, the central government may establish specific national norms and standards with the purpose of preserving national interests. These standards and norms may not infringe or limit the autonomy of communes and municipalities in matters with a local interest. In cases when the communes and municipalities do not possess sufficient funds or means to reach the national norms and standards, the central government gives them the necessary support.

3. Communes and municipalities exercise the following functions of their own:

#### **I. In the field of infrastructure and public services:**

- a) furnishing drinking water;
- b) the functioning of a system of channels for drinking water, sewage and protective channels for inhabited areas;
- c) building, rehabilitating and maintaining roads of a local nature, sidewalks and public squares;
- ç) illuminating public places;
- d) the functioning of urban public transport;
- dh) administering cemeteries and guaranteeing burial service;
- e) providing public signs;<sup>4</sup>
- ë) administering parks, gardens and public greenery areas;
- f) collecting, removing and processing garbage;
- g) urban planning, land management and housing in the manner specified by law.

#### **II. Services of a social, cultural and sporting nature:**

- a) preserving and developing local cultural and historical values, organizing activities and administering the respective institutions;
- b) organizing sporting, recreational and entertainment activities and administering the respective institutions;
- c) providing social service and administering institutions such as nurseries, shelters, children's homes etc.

#### **III. Local economic development:**

- a) preparing programs for local economic development;
- b) constructing and operating public markets and the commercial network;
- c) developing small business as well as developing incentive activities such as fairs and advertisements in public places;
- ç) organizing services in support of local economic development such as information and necessary structure and infrastructure;
- d) veterinary service;
- dh) maintaining and developing forests, meadows and natural resources of a local nature.

#### **IV. Order and civil defense**

- a) keeping public order for the prevention of administrative violations and guaranteeing the implementation of the acts of the commune or municipality.
- b) civil defense.

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<sup>4</sup> Translator's note: The Albanian word is "dekor" - a little narrower than signs; more like public announcements of events, greetings to visiting dignitaries, etc.:

## **Article 11 Joint Functions**

1. Communes and municipalities perform each of the following functions, separately or together with the central government, in compliance with the time periods specified in Chapter XI of this law.
2. In cases when the central government asks the commune or municipality to perform a joint function or achieve a national standard for the realization of this function, it secures sufficient financial and material support.
3. Communes and municipalities perform these joint functions for:
  - a) pre-school and post-university education;
  - b) the system of priority health service and the protection of public health;
  - c) social care, reduction of poverty and the guaranteeing of the functioning of the respective institutions;
  - ç) public order and civil defense;
  - d) environmental protection;
  - dh) other joint functions, in the manner set by law.
4. The competencies of communes and municipalities, for the functions contemplated in this article, are regulated in each case by law. The relations between units of local government and central institutions for the functions contemplated in this article are regulated by law or by statutory acts.

## **Article 12 Delegated Functions and Competencies**

1. Delegated functions and competencies are binding or not binding.
2. Binding functions and competencies are those specified by law.
3. When it is permitted by law, central institutions authorize the commune, municipality or region to perform designated functions of the central institutions, specifying the procedures of performance and oversight<sup>5</sup> for their implementation.
4. The central institution may authorize the commune, municipality and region to exercise a competency alone for a given function.
5. Other non-binding competencies may be delegated to a commune, municipality or region on the basis of an agreement between the respective unit of local government and the central institution responsible by law for this function or competency.
6. In every case, the central institutions guarantee the units of local government the necessary financial support for the exercise of the delegated functions and competencies.
7. A commune, municipality or region, on their own initiative, may use their own financial resources for the exercise of delegated functions and competencies, with the aim of an increase of the service to a higher level in the interest of the community.

## **Article 13 Functions of the Region**

1. A region's own functions are the construction and implementation of regional policies and their harmonization with state policies at the level of the region, as well as every other function of its own given by law.
2. A region exercises all functions that are delegated by one or more communes and municipalities within its territory, according to an agreement entered into between the parties.

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<sup>5</sup> "Kontroll:" sometimes translated audit, control, or supervision.



3. A region performs and exercises the functions that are delegated by the central government, according to the principles contemplated in article 12 of this law.

#### **Article 14**

##### **Inter-Communal Cooperation for the Performance of Functions**

1. Every unit of local government may exercise the right of inter-communal cooperation according to Article 8 of this law, using one of these methods:

- a) an agreement for joint performance of one or more functions;
- b) contracting with another unit of local government for the exercise of one or more functions;
- c) contracting by one or more units with a third party for the exercise of one or more functions.

2. Every agreement shall:

- a) contain the purpose and the functions to be exercised;
- b) provide the manner in which the purpose will be realized;
- c) specify the level and time period of the delegation of the competencies;
- ç) specify the manner and extent of the contributions and the division of income and other benefits.

3. Two or more units of local government, as well as units of local government and organs of central government, may enter into joint agreements for the creation of a juridical person separate from the parties, to whom they give specified competencies and authority. Within the meaning of this law, this juridical person is called a subject of joint competencies. For each party the financial contribution, the contribution in services, the contribution with equipment and with qualified employees, or any other asset necessary for the realization of the purpose, is specified.

4. After its creation, a subject of joint competencies responsible for the administration of the agreement officially notifies the prefect within 30 days from the day of creation and signing of the agreement.

5. The official notification shall contain:

- a) the name of the units of local government that are parties to the agreement;
- b) the date the agreement enters into force;
- c) the purpose of the agreement and the function that will be exercised;
- ç) the decisions of the councils of the units of local government included in the agreement in connection with it;
- d) the contributions of the parties.

6. After official notification to the prefect, the agreement becomes applicable and the subject of joint competencies has execution power.

### **CHAPTER V**

#### **FINANCES OF THE UNITS OF LOCAL GOVERNMENT**

##### **Article 15**

##### **Principles of Financing of the Units of Local Government**

1. The national financial policies guarantee the functioning of the units of local government and are based on the principle of diversity of sources of income.

2. The units of local government are financed by the income that is obtained from fees, tariffs and other local income, by funds transferred by the central government and funds that come directly to them from the division of national fees and taxes.

3. The units of local government are guaranteed by law sufficient authority for creating income in an independent manner.

4. The central government gives the units of local government funds for the fulfillment of all standards and requirements that it establishes for the delegated competencies and functions.

5. Every unit of local government approves, implements and administers every year its own budget, without a deficit, in accordance with law nr. 8379 dated July 28, 1997 "On Drawing Up and Implementing the State Budget of the Republic of Albania."

### **Article 16** **Own Income of the Commune and Municipality**

1. Communes and municipalities create income from:

a) local taxes and fees on movable and immovable properties and transactions performed with them;

b) local taxes and fees on economic activity of small business, hotel service, restaurants, bars and other services,

c) local taxes and fees on personal income created from gifts, inheritance, wills, or local lotteries,

ç) other taxes or fees specified by law.

2. The basis of local taxes and fees as well as the maximum and/or minimum limits of their level are established by separate law. Communes and municipalities have the right to apply a given local tax or fee or not. When they apply the local tax or fee, they exercise the right of establishing the level as well as the manners of collecting and administering them within the limits and criteria specified in the respective law.

3. Communes and municipalities create income from local tariffs for:

a) public services that they offer,

b) the right to use local public properties,

c) the grant of licenses, permissions, and authorizations and the issuance of other documents for which they have full authority.

4. Communes and municipalities themselves establish the level, manner of collection and administration of local tariffs, in accordance with general national policies and principles specified in normative acts of the central government.

5. Communes and municipalities take out loans for local public purposes in accordance with the manners specified by law.

6. Communes and municipalities create income from their economic activities, leases and sale of property, gifts, interest, fines, aid or donations.

### **Article 17** **Income from National Sources**

1. Communes and municipalities are financed by these national resources:

a) Divided up taxes and fees, in which is included a part of the personal income tax as well as a part of the profit tax of economic subjects who exercise activity in their territory. The annual income from these fees and taxes is given to the communes and municipalities in no less than three transfers a year. The part of the taxation that goes in their favor as well as collection and administration is specified by law for every divided up tax or fee.

b) Unconditional transfers from the Budget of the State, which are given according to the criteria specified by law, based on their own or joint functions and competencies of the communes and municipalities, and for achieving equalization of resources between various units of local government in relation to their capabilities to create the necessary income.

- c) Conditional transfers from the Budget of the State.
2. The central government in cooperation with the communes and municipalities, in the period of preparing the draft budget, analyzes the sufficiency and stability of these sources for reaching the goals specified in this law.

### **Article 18** **Sources of Financing of the Region**

1. The region creates income from local sources in the region or from a division of national income.
2. Income from local sources in the region consists of:
  - a) unconditional transfers, including membership dues of the constituent communes and municipalities, specified in the rules and the annual budget of the region for the performance of its own and joint functions;
  - b) conditional transfers for the performance of the respective delegated functions and competencies from the constituent municipalities and communes;
  - c) fees and taxes established at the regional level, specified in accordance with law;
  - ç) tariffs for public services performed by the region, as well as from other sources specified in article 16 of this law.
3. Criteria and norms for the creation and administration of the income from its own local sources are similar to those specified for income from local sources for communes and municipalities.
4. The income of the region from the division of national income is created and administered in to the manner specified in article 17 of this law.

### **Article 19** **Budget of the Units of Local Government**

1. The budget of every unit of local government includes all the income and all expenses together with loan payments.
2. Conditional transfers that enter into the budget of the unit of local government are used only for the purpose for which they were given, in accordance with the rules set by the central government.
3. Every unit of local government has full authority for the purposes and manners of use of its budgetary funds that are not transferred conditionally. When these funds are not entirely spent during the fiscal year in progress, they are carried into the budget of the next fiscal year.
4. The approval of the new budget and the close of the budget of the prior year are done according to the time periods specified in law nr. 8379 dated July 29, 1998 "On Drawing Up and Implementing the State Budget of the Republic of Albania."
5. The budget of every unit of local government is approved by the respective council. The approval of the budget and the closing balance sheet are done in the time periods specified in law nr. 8379 dated July 29, 1998 "On Drawing Up and Implementing the State Budget of the Republic of Albania."
6. The budget of the units of local government aims at:
  - a) the efficient use of sources for the performance of functions and the exercise of competencies;
  - b) the clear presentation of the financial situation of every unit of local government;
  - c) the giving of necessary information that enables citizen participation in decision-making in connection with the functions and competencies exercised by the respective unit of local government.
7. The budget of the units of local government shall contain:
  - a) reflections of the budgetary income and expenses with the indices as below:

- i) income detailed according to the classification of articles 16, 17 and 18 of this law,
  - ii) expenses detailed in accordance with a functional and economic classification,
  - iii) a reserve fund of no less than 3% of the total expenses;
- b) a forecast of the income and expenses for the next two budget years;
  - c) a forecast of the expenses for investments with the following information:
    - i) the purpose of the investment;
    - ii) a plan of financing, including the manners and the sources of the financing;
    - iii) the annual expenses that are required for repaying the credit, if it is used, as well as a projection of the operating expenses that arise as a result of the making of the investment.

8. The executive organ of every unit of local government prepares a draft budget for the new fiscal year, as well as a draft decision for closing the budget of the prior year and submits it for approval to the council in the time periods contemplated in law nr. 8379 dated July 29, 1998 "On Drawing Up and Implementing the State Budget of the Republic of Albania."

9. Changes during the implementation of the independent budget in relation to transfers and the re-distribution of funds, as well as the manner of using the reserve fund, are done by the respective council, on the proposal of the chairman, in accordance with the criteria specified in law nr. 8379 dated July 29, 1998 "On Drawing Up and Implementing the State Budget of the Republic of Albania" and the respective substatutory acts.

## **Article 20**

### **Keeping Financial Documentation**

1. Every unit of local government takes measures for safeguarding and administering financial documents and is responsible for damage to them or loss of them, in compliance with the legislation on archives.

2. Every unit of local government approves internal rules for the implementation of the law on archives.

## **Article 21**

### **Internal Financial Audit**

1. Every council of the units of local government creates a finance committee, which operates during the whole period of the mandate.

2. The finance committee oversees the income and expenses made by the executive organ in accordance with the budget approved by the council. The executive organ of the unit of local government reports to the finance committee regularly during the year and submits to it all documentation requested by it. The executive organ and its administration may not be part of this committee.

3. The finance committee audits all financial and accounting documentation. It has the right to have external audit of the accounts performed by authorized accounting experts.

## **Article 22**

### **External Financial Audit**

1. Every unit of local government is subject to external audit by High State Control for the lawfulness of the use of its financial resources.

**CHAPTER VI**  
**COMPOSITION, CREATION, MANNER OF ORGANIZATION,**  
**COMPETENCIES AND DUTIES**  
**OF THE COMMUNAL AND MUNICIPAL COUNCIL**

**Article 23**  
**Manner of Election**

The communal council and that of the municipality consists of councilors elected according to the provisions set out in the Electoral Code of the Republic of Albania.

**Article 24**  
**Number of Members of the Communal and Municipal Council**

1. The number of members of a communal and municipal council is determined according to the population, as follows:

Communes and municipalities of	up to 5,000 inhabitants	13 members
“ “	from 5,000 - 10,000 inhabitants	15 members
“ “	from 10,000 - 20,000 inhabitants	17 members
“ “	from 20,000 - 50,000 inhabitants	25 members
“ ”	from 50,000 - 100,000 inhabitants	35 members
“ ”	from 100,000 - 200,000 inhabitants	45 members
Municipality of Tirana		55 members

2. In implementation of this article, the prefect sets the number of members of the Council for each commune and municipality, on the basis of the number of inhabitants according to the evidence from the civil status offices on January 1 of the year when the elections are held.

**Article 25**  
**Incompatibility of Function of a Councilor**

1. The function of council member is incompatible with:
  - a) the function of mayor or vice mayor of the commune or municipality;
  - b) the function of secretary of the communal or municipal council;
  - c) the function of employee of the administration of the respective commune or municipality,
  - ç) the function of deputy.
2. A person may not be elected at the same time to more than one communal or municipal council.
3. Persons who are related to one another as spouse, parent and child, brother and sister as well as father-in-law and mother-in-law with daughter-in-law and son-in-law may not be members of the same council.

**Article 26**  
**First Meeting of the Council**

1. The communal or municipal council holds its first meeting no later than 20 days after the declaration of results of elections by the Central Election Commission.
2. The first meeting of the council is called by the secretary of the communal or municipal council. In his absence, the prefect takes the initiative to call the first meeting.

3. If none of the above subjects exercises this right within the time period provided in point 1 of this article, then the council meets itself within 10 days.

4. The first meeting of the council is valid when more than half of its members, declared by the local government election commission, take part. If more than one half of the members of the council do not meet, the meeting is not held and it is called for three days later, but no more than three times. When even after three times the call does not secure the required participation, the council is considered dissolved.

5. The first meeting of the council is chaired by the most senior council member in age, until the election of its chairman.

6. At the first meeting of the communal or municipal council:

- a) the committee on mandates is elected;
- b) the mandates of the members of the council are approved;
- c) the council members take the oath;
- ç) the chairman and vice chairman of the council are elected;

d) the members who will represent the communal or municipal council in the regional council are elected and they are furnished with a representation mandate.

7. The council is constituted after verification of the mandates of no less than half of its members.

### **Article 27** **Mandate of a Councilor**

1. The mandate is given to a council member by decision of the council.

2. The granting and taking away of a mandate is done by a majority of votes of the total number of members of the council.

3. A council member does not vote on his mandate.

4. The mandate of a council member ceases prematurely on the proposal of the committee on mandates when:

- a) he changes his residence;
- b) he resigns;
- c) conditions of incompatibility specified in article 25 of this law are created;
- ç) the mandate was taken irregularly by him;
- d) he loses his juridical capability to act by court decision;
- dh) he dies;
- e) he does not take part in meetings of the council for a six month period;
- ë) he is punished for commission of a criminal offense by a final court decision;
- f) the council is dissolved by the competent organ.

### **Article 28** **The Oath**

1. After verification of the mandates by the respective committee, the council members swear before the council with the following formula:

“I swear, in the name of the voters that I represent, to defend the Constitution of the Republic of Albania and its laws. I swear that in all my activity I will be guided by the interests of the citizens of the commune or municipality of (name of commune or municipality) and I will work honestly and devotedly for their development and betterment.”

2. A council member who refuses to make and sign the oath is considered to have resigned and he is not given a mandate.

## **Article 29**

### **The Rights of a Council Member**

1. A council member is not responsible for opinions expressed in connection with official questions during the conduct of duty.

2. A council member is compensated for the work he does. The amount of compensation is set by the respective council on the basis of criteria specified by the legislation in force.

3. At his request, a council member is informed and every kind of documentation is put at his disposal by the administration of the respective commune or municipality for learning about problems in his jurisdiction.

4. A council member has the right of professional qualification, according to a program approved by the council. Financing for these cases is done according to the rules of the legislation in force.

## **Article 30**

### **Conflict of Interest**

1. A council member does not take part in the examination and approval of an act of the council when he himself, or his spouse, parents, children, brothers, sisters, father-in-law, mother-in-law, son-in-law, and daughter-in-law have a property interest or any other interest in the question that is discussed in the council.

2. In any case of conflict of interests, the disqualifying provisions contemplated in the Code of Administrative Procedure are applied.

## **Article 31**

### **Functioning of a Communal or Municipal Council**

1. The communal council and that of a municipality exercises its functions from its creation, according to article 26, until the creation of the new, succeeding council.

2. Regular meetings of the communal or municipal council are held as a rule according to the specification made by the council itself but no less than once a month.

3. The council meets outside the regular schedule

a) at the request of the mayor of the commune or municipality;

b) at the request of 1/3 of its members;

c) on the motivated request of the prefect for questions related to the exercise of his functions.

4. A meeting is called by the chairman of the council and the notification of the meeting is made, as a rule, no fewer than five days before the date it is to be held. The notification contains the date of the meeting, the hour, place and agenda.

5. The agenda is approved by the council.

6. In the period from the date of the elections up to the constitution of the new council, the prior communal or municipal council exercises limited functions and takes decisions only in cases of emergency situations.

7. A meeting of the communal or municipal council is considered valid when a majority of all members of the council take part in it, except for cases when another majority is required for taking decisions according to the specifications in article 33 of this law.

8. When the council does not meet because of the absence of its members during the three months beginning with the date of its last meeting, the council is considered self-dissolved. Self-dissolution leads to new elections for the respective council and the secretary of the communal or municipal council notifies the prefect within 10 days after the end of the three month term.

9. Meetings of the council are fixed in the minutes of the meeting. The manner of keeping minutes and verifying them are specified in the internal rules of functioning of the council.

### **Article 32**

#### **Duties and Competencies of a Communal or Municipal Council**

A communal or municipal council has these duties and competencies:

- a) It approves the charter of the commune or municipality, as well as the internal rules of their functioning;
- b) It elects and discharges the chairman and the vice chairman of the council.
- c) It appoints and discharges the secretary of the communal or municipal council.
- ç) It approves the organizational structure and the basic rules of administration of the commune or municipality, the units of budgetary institutions under the commune or municipality, as well as the number of their personnel, requirements for qualification, the pay and methods of compensation of employees and other persons elected or appointed in accordance with the legislation in force.
- d) It approves the acts of foundation of enterprises, commercial companies and other juridical persons that it creates itself or of which it is a co-founder.
- dh) It approves the budget and amendments to it.
- e) It approves the alienation of property or granting use of it to third parties.
- ë) It organizes and oversees the internal audit of the commune or municipality.
- f) It decides on local tariffs and fees, as well as their level.
- g) It decides on taking out loans from and paying obligations to third parties.
- gj) It decides on the creation of joint institutions with other units of local government, including a subject of joint competencies, or with third persons.
- h) It decides on initiating judicial proceedings for questions of its competency.
- i) It elects representatives of the communal or municipal council to the regional council
- j) It decides on granting or removing the mandate of a council member.
- k) It approves norms, standards and criteria for the regulation and disciplining of functions that have been given to it by law, as well as the protection and guaranty of the public interest.
- l) It decides on the symbols of the commune or municipality.
- ll) It decides on the naming of streets, squares, territories, institutions and objects within the jurisdiction of the commune or municipality.
- m) It gives titles of honor and incentives.
- n) It decides on rules, procedures and manners of realizing delegated functions, on the basis and for implementation of the law with which this delegation is made to the commune or municipality.

### **Article 33**

#### **Voting**

1. Voting in the council is done openly or in secret. The council decides on the cases when the voting is secret. Acts of an individual nature are always approved by secret vote.
2. The decisions of the council are taken by a majority of votes of the members present in the meeting.
3. Decisions are taken with a majority of the votes of the total number of members of the council for the cases contemplated in article 32 letters "b," "c," "d," "dh," "g," "gj," "i," and "j" of this law.



4. Decisions are made by three fifths of the total number of members of the council for the cases contemplated in article 32 letters "e" and "f" of this law.

5. In the cases of voting for the chairman, vice chairman and secretary of the council, when the required majority is not secured, the voting is done again between the two candidates who won the largest number of votes in the first round.

6. Acts of the council are decreed within 10 days from the date of their approval and enter into force 10 days after promulgation. Acts of an individual nature enter into force on the date of notification to the subjects included in them.

### **Article 34**

#### **Open Meetings**

1. Meetings of the council are open to the public. Every citizen is permitted to follow the meetings of the council, in the manner specified in the rules of the council.

2. A notification of the meeting of the council is made public in places set by the council and in the media. The notification contains the date, place, time and agenda of the meeting.

3. The council, by a majority of the votes of the total number of members, decides on the cases when the meeting is closed.

### **Article 35**

#### **Consultation Sessions with the Community and the Right of the Public to be Informed**

1. The communal or municipal council, before examining and approving acts, holds consultative sessions with the community. The consultative sessions are obligatory for the cases contemplated in article 32 letters "d," "e," "f" and "k" of this law.

2. Consultation with the community, in every case, is done in the manner specified in the rules of the council, using one of the necessary forms such as open meetings with residents, meetings with specialists, with interested institutions and non-governmental organizations or through taking initiative for the organization of local referenda.

3. Acts of the council are posted in public places designated by the council within the territory of the commune or municipality and, according to the possibilities, the council also designates other forms of publishing them. Informing of the public in every commune and municipality is done in accordance with law nr. 8503 dated June 30, 1999 "On the right to information about official documents" and the rules specified by the respective council itself for this purpose.

### **Article 36**

#### **Chairman of the Communal or Municipal Council**

1. The chairman and vice chairman of a communal or municipality council are elected from the ranks of the members of the council. The proposal for their discharge is made by at least one third of the members of the council.

2. The chairman of the council performs these duties:

a) he calls a meeting of the council in accordance with article 31 of this law;

b) he directs the meetings of the council in accordance with its rules;

c) he signs the acts the council issues;

ç) he performs other duties specified in the rules of the council.

3. In the absence of the chairman of the council, the vice chairman performs his duties.

### **Article 37** **Secretary of the Communal or Municipal Council**

1. The secretary of the council is named and discharged by the communal or municipal council, on the basis of the proposal of the chairman of the council, by a majority of the votes of the total number of members. The discharge of the secretary may be proposed by 1/3 of the members of the council.

2. The secretary of the communal or municipal council is responsible for:
- a) maintaining the official documents of the council;
  - b) following up on the work for the preparation of materials of the meetings according to the agenda;
  - c) notifying about the holding of meetings of the council;
  - ç) announcement and publication of notifications and acts issued by the communal or municipal council;
  - d) preparation of consultation sessions with the community;
  - dh) overseeing respect for the rules of functioning of the council.
3. The secretary of the communal or municipal council performs every other function that is set by the council itself.

### **Article 38** **Premature Dissolution of a Council**

1. The communal or municipal council is dissolved prematurely by decision of the Council of Ministers when:
- a) it does not meet for a continuous three-month period;
  - b) it does not succeed in taking a decision to approve the budget within three months from the date specified in article 19 of this law;
  - c) it commits serious violations of the Constitution or laws.
2. The communal or municipal council is also dissolved when a reorganization changing the boundaries is made, according to article 70 of this law.
3. If a decision of dissolution by the competent organ is left in force, elections are organized for the council in the respective commune or municipality, in accordance with the Electoral Code of the Republic of Albania.

## **CHAPTER VII** **MAYOR OF A COMMUNE OR MUNICIPALITY**

### **Article 39** **Mayor of a Commune or Municipality**

1. Every commune or municipality has its mayor elected every three years in general elections, direct and with a secret vote, in the manner provided in the Electoral Code of the Republic of Albania.
2. The mayor of a commune or municipality is assisted by one or more vice mayors in performing his functions and exercising his competencies. The number of vice mayors is set by the communal or municipal council. Their appointment and discharge is done by the mayor of the commune or municipality.

## **Article 40**

### **Mandate of the Mayor of a Commune or Municipality**

1. The mandate of the mayor of a commune or municipality is confirmed by the court in the jurisdiction in which the commune or municipality is included, within 20 days from the date the results of his election are promulgated.

2. The declaration of invalidity of the mandate of the mayor is done when it is found that he does not meet the conditions under article 45 of the Constitution and article 10 of the Electoral Code of the Republic of Albania.

3. A declaration of invalidity of the mandate of the mayor of the commune or municipality is done in the first meeting of the communal or municipal council, where the mayor takes the oath according to the formula specified in article 28 of this law and signs it.

4. The exercise of the mandate of the mayor of the commune or municipality begins at the moment he takes the oath and ends when the next chairman takes the oath.

5. If the municipal or communal council does not meet within 30 days from the date of promulgation of the result of the elections by the Central Election Commission, the prefect organizes the ceremony of the oath of the mayor of the municipality or commune in the environment of the municipality or commune and in the presence of the residents of the respective unit.

## **Article 41**

### **Premature Ending of the Mandate of a Mayor**

1. The mandate of the mayor of the commune or municipality ends prematurely in cases when the mayor:

- a) does not agree to take the oath;
- b) resigns;
- c) is no longer a permanent resident of the commune or municipality where he was elected;
- ç) is discharged by the competent organ, according to article 42 of this law;
- d) runs for or is elected a deputy;
- dh) loses the juridical capability to act by final court decision;
- e) dies.

2. In the case of resignation, the mayor of the commune or municipality deposits it with the respective communal or municipal council. The secretary of the council, in order to follow the necessary procedures, notifies the prefect of the mayor's resignation.

3. For cases when the mandate of the mayor ends prematurely, the communal or municipal council notifies the Council of Ministers through the prefect.

4. In cases of premature ending of the mandate, elections are organized for the mayor of the commune or municipality in accordance with the provisions of the Electoral Code of the Republic of Albania.

5. With the premature ending of the mandate of the mayor of the commune or municipality according to this article, until the election of the new mayor, the vice mayor of the commune or municipality performs his functions. In cases when there is more than one vice mayor of the commune or municipality, the respective council, by a majority of the votes of the total number of its members, designates one of the vice mayors to carry out the functions of the mayor until the election of the new mayor.

6. In the case when the place of the mayor of the commune or municipality is vacant during the last six months of his mandate, the respective council elects from its ranks a new mayor by a majority of the votes of the total number of its members, who exercises the functions until the end of the mandate.

## **Article 42**

### **Discharge of the Mayor of a Commune or Municipality**

The mayor of a commune or municipality is discharged by decision of the Council of Ministers in the cases when:

- a) he commits serious violations of the Constitution or laws;
- b) he is punished for commission of a criminal offense by a final decision from the court;
- c) he is proposed for discharge by the communal or municipal council for failure to appear for duty for an uninterrupted 3-month period.

## **Article 43**

### **Symbol of the Mayor of a Commune or Municipality**

1. The distinguishing symbol of the mayor of a commune and municipality is a ribbon with the colors of the national flag, with a width of 111 mm, divided into three sectors of the same width, red – black – red.

2. The distinguishing symbol is placed next to the neck, starting from the right shoulder to the left flank.

3. The mayor must wear this ribbon at solemn meetings, official receptions, public ceremonies and in marriage ceremonies.

## **Article 44**

### **Competencies and Duties of the Mayor of a Commune or Municipality**

The mayor of a commune or municipality:

- a) exercises all competencies in the performance of the functions of the commune or municipality, except for those that are the competency only of the respective council;
- b) implements the acts of the council;
- c) takes measures for the preparation of materials of meetings for the communal or municipal council, in accordance with the agenda set by the council, as well as for problems that he himself requests;
- ç) reports to the council on the economic-financial situation at least every 6 months or more often, whenever requested by the council;
- d) reports before the council whenever requested by it about other problems that have to do with the functions of the commune or municipality;
- dh) is a member of the regional council;
- e) appoints and discharges the vice mayor/vice mayors of the commune or municipality;
- ë) appoints and discharges the directors of enterprises and institutions under him;
- f) appoints and discharges other non-director employees of the structures and units under the commune or municipality, except when it is contemplated otherwise in law nr. 8549 dated November 11, 1999 “Status of the civil servant”;
- g) exercises the rights and assures the fulfillment of all obligations that are charged on the commune or municipality as a juridical person;
- gj) takes measures for the qualification and training of the personnel of the administration, educational, social, cultural and sporting institutions;
- h) returns decision to the council for review no more than once, when he finds that they violate the interests of the community.

**CHAPTER VIII**  
**MANAGEMENT OF TERRITORIAL SUBDIVISIONS**  
**OF A COMMUNE, MUNICIPALITY AND REGION**

**Article 45**  
**Creation of Subdivisions of a Commune**

1. A village is managed by the chairman<sup>6</sup> and the leadership of the village. The leadership is an advisory organ to the chairman. The members of the leadership of the village are elected in a meeting of the village, in which no less than half the residents with the right to vote take part. In cases when the village consists of several sections,<sup>7</sup> each of them elects a member of the leadership. The manners and rules of voting are specified by the respective communal council.

2. The number of members of the leadership of a village is specified by the communal or municipal council (when there are villages in the composition of the latter) on the basis of the number of residents of the village and its constituent sections.

3. The chairman of the village is elected from the ranks of the leadership of the village by secret vote with no less than two candidacies.

4. Elections of the leadership and the chairman of a village are done once every three years after the elections for the communal council and no later than six months after these elections.

5. When a vacancy is created for the chairman of the village or for a member of the leadership, the above election procedures are held for the vacant place. The mandate of the newly elected person continues until the end of the period remaining of the three-year term.

6. The election process and the activity of the leadership and the chairman of the village are overseen by the respective communal or municipal council.

**Article 46**  
**Duties and Rights of the Chairman and Leadership<sup>8</sup> of a Village**

1. The chairman and leadership of a village carry out and support the governing functions of the commune or municipality in their village and take care for the economic condition, the use of joint resources and the assurance of social harmony.

2. More detailed duties for them are specified in the rules and ordinances of the communal or municipal council.

3. The chairman is supplied with a seal and has the authority to issue certifications of facts and data for the residents or the territory of his village, of which he has knowledge, whenever this is requested by the commune or municipality, by the residents themselves, or by any other institution in accordance with law.

4. Ordinances, decisions and orders of the elected organs of the respective commune or municipality are obligatory for execution by the chairman and leadership of the village.

5. The chairman of the village is compensated for the work he does according to criteria specified by the communal or municipal council.

6. The chairman of a village is called to meetings of the communal or municipal council or takes part in them on his own initiative without the right to vote. He has the right to express his opinion in the meeting on questions that are related to the respective village.

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<sup>6</sup> This word is the same one translated “mayor” for communes and municipalities and “chairman” for all the councils; it was formerly “kryeplak,” or chief elder.

<sup>7</sup> “Lagje,” usually translated as wards of a city; could also be translated as neighbourhoods or sections.

<sup>8</sup> This word, “kryesia,” could also be translated as chairmanship, office of the chairman, or leading committee.

**Article 47**  
**Functioning of Subdivisions of a Municipality**

1. In the wards<sup>9</sup> of municipalities, the administrative apparatus functions. The structure and number of employees of the administration of a ward is set by the municipal council. At the head of the administrative apparatus of the ward is the administrator, who is a civil servant with the mayor of the municipality his direct superior. The treatment of other employees of the administrative apparatus of the ward are subject to law nr. 8549 dated November 11, 1999 "Status of the civil servant."

2. The administration of the ward performs all the administrative duties charged by the mayor of the municipality and the council, as well as taking care for economic development, the use of joint resources and the assurance of social harmony in the respective ward. More detailed duties for it are specified in the acts issued by the municipal council and the mayor of the municipality.

**Article 48**  
**Administrative Structure in the District**

There function in the district units of the structures of the state administration specified by the respective central institutions, as well as units of the administrative structure of the region, according to the specification that the regional council makes.

**CHAPTER IX**  
**COMPOSITION, CREATION, MANNER OF ORGANIZATION AND**  
**COMPETENCIES OF THE REGIONAL COUNCIL**

**Article 49**  
**Composition of the Regional Council**

1. The regional council consists of representatives of the communes and municipalities that form the region.

2. The mayors of the communes and municipalities that form the region are always members of the regional council.

3. The number of members of the regional council is specified according to article 50 of this law.

4. The function of a member of the regional council is incompatible with any function in the regional administration.

**Article 50**  
**Specification of the Number of Members of a Regional Council**

1. The number of representatives of the communes and municipalities in the regional council is set in proportion with the number of the population as follows:

Communes and municipalities with a population up to 5,000 residents, 1 representative.

communes and municipalities with a population from 5,001 to 10,000 residents, 2 representatives.

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<sup>9</sup> "Lagje;" see note 7 above.

communes and municipalities with a population from 10,001 to 30,000 residents, 3 representatives.

communes and municipalities with a population from 30,001 to 50,000 residents, 4 representatives.

communes and municipalities with a population from 50,001 to 100,000 residents, 5 representatives.

communes and municipalities with a population over 100,000 residents, 5 representatives + one additional representative for every 1 to 50,000 residents over 100,000 residents.

2. In cases when the commune or municipality has only one representative, this representation is done directly by the mayor of the commune or municipality. In cases when the commune or municipality has more than one representative, the other representatives are elected by the respective council.

3. The prefect sets the number of representatives of every commune and municipality included in the territory of the region, based on the data of the number of the population, according to official evidence from the civil status office on January 1 of the year of the elections.

4. The decisions of the communal and municipal councils for their representatives in the regional council are sent to the prefect within 10 days from the date they are taken.

### **Article 51** **First Meeting of a Regional Council**

1. The regional council holds its first meeting no later than 50 days from the declaration of the result of the local elections.

2. The first meeting is called by the mayor of the municipality that is the center of the region or by one third of the members of the regional council. The notification of the meeting of the regional council is sent in writing to all members of the regional council no later than 10 days before the date of the meeting.

3. The first meeting of the council is valid when no less than half of its members take part in it.

4. The first meeting of the council is chaired by the mayor of the municipality that is the center of the region until the election of the chairman of the regional council.

5. In its first meeting, the regional council:

a) elects the commission of mandates, which verifies the mandate of the members of the council;

b) verifies the mandates of the members of the council;

c) elects a chairman, a vice chairman and the leadership of the regional council.

6. The regional council is constituted after the verification of the mandates of no less than half of its members.

7. If the participation of half of the members of the regional council is not attained, the meeting is annulled and call every ten days until the necessary majority is attained.

8. If the regional council is not constituted up to 90 days after the declaration of the result of the local elections, the prefect exercises all the functions and competencies of this council until the moment it is constituted.

### **Article 52** **Mandate of a Regional Councilor**

1. All mayors of communes and municipalities making up a region gain the mandate of regional councilor immediately upon receiving the respective mandate.

2. The election of the members of a regional council [who are] representatives from the ranks of the communal or municipal council, in accordance with article 26 of this law, is done by voting on a multi-name list of candidates, and the candidate or candidates who have received the most votes are declared the winners.

3. The mandate of a member of the regional council ends when:

- a) he loses his mandate as mayor of the commune or municipality;
- b) the mandate of the member is taken away by the respective communal or municipal council;
- c) it is certified that the mandate was gained unlawfully.

4. When a vacancy is created because of the loss of mandate of a member of the regional council by a member of the council of a commune or municipality, he is replaced by the respective communal or municipal council.

5. If the vacant seat is created by the loss of the mandate of a member of the regional council by a mayor of a commune or municipality in the last 6 months of the mandate, the mayor elected by the respective communal or municipal council takes his place.

### **Article 53** **Functioning of a Regional Council**

1. The regional council exercises competencies from the moment of its constitution until the constitution of the succeeding council.

2. A regular meeting of the regional council takes place no less than once every three months.

3. Meetings are held according to the work program that the council makes.

4. The regional council meets outside its regular time on the request:

- a) of its chairman;
- b) of the leadership of the council;
- c) of one third of the members of the council;
- ç) of the prefect, as to questions related to the exercise of his functions.

5. The call of the meeting of the council is done by the chairman.

6. The notification of a meeting of the council is done as a rule no less than 10 days before the date of holding the meeting. The notification contains the date of the meeting, the hour, the place and the agenda.

7. A meeting of the regional council is valid when a majority of all its members take part in it.

### **Article 54** **Duties and Competencies of a Regional Council**

The regional council exercises these competencies and duties:

- a) it approves the regional charter and the internal rules of its functioning;
- b) it decides on the level of obligatory financial assistance of each constituent commune and municipality in the budget of the region;
- c) it elects and discharges from the members of the council the chairman, vice chairman and members of the leadership;
- ç) it appoints and discharges the secretary of the regional council;
- d) it approves the organizational structure and the basic rules of the regional administration, the units and budgetary institutions under the region, as well as the number of their personnel, the requirements for qualification, the pay and manners of compensation of employees and other persons elected or appointed in accordance with the legislation in force;



- dh) it approves the acts of foundation of enterprises, commercial companies, as well as other juridical persons that it creates itself or of which it is co-founder;
- e) it approves the budget and amendments to it;
- ë) it approves the alienation or leasing of property to third parties;
- f) it organizes and oversees internal audit;
- g) it decides on fees and tariffs in the competency of the region, as well as their level;
- gj) it decides on taking out credits and repaying obligations to third parties;
- h) it decides on the creation of joint institutions with other units of local government, including a subject of joint competencies, or with third persons;
- i) it appoints and discharges the directors of enterprises and institutions under it;
- j) it decides on the initiation of judicial proceedings for questions of its own competency;
- k) it decides on the verification and removal of the mandate of a regional councilor;
- l) it approves norms, standards and criteria for the regulation and disciplining of the functions given to it by law, as well as for the protection and guarantee of the public interest at the regional level;
- ll) it decides the symbols of the region;
- m) it grants titles of honor and incentives;
- n) it decides on rules, procedures and manners of realizing delegated functions on the base and in implementation of the law by which this delegation is made to the region;
- nj) it approves or repeals decision of the leadership of the region.

### **Article 55**

#### **Voting**

1. Decisions of the regional council are taken with a majority of the votes of its members present at a meeting, with the exception of the cases specified in article 54 points “b,” “e,” “ë,” “g,” “gj,” and “ll” of this law, which require the votes of more than half of the total number of members of the council.

2. In cases of voting for the chairman, vice chairman and secretary of the council, when the required majority is not achieved, the voting is done again between the two candidates who won the greatest number of votes in the first round.

3. Decisions of the council are announced with 10 days from the date they are taken and enter into force 10 days after they are announced. Decisions of an individual nature enter into force on the date the subjects included in them are notified of them.

### **Article 56**

#### **Open Meetings, Consultation Sessions and the Right of the Public to be Informed**

The regional council holds meetings open to the public, holds consultative sessions with the representative and executive organs of the communes and municipalities and with the respective communities, and also respects the right of the public to be informed according to the specifications in articles 34 and 35 of this law.

### **Article 57**

#### **Conflict of Interest**

1. A regional councilor does not take part in the examination and approval of an act of the council when he himself, or his spouse, parents, children, brothers, sisters, father-in-law, mother-in-law, son-in-law and daughter-in-law have a property interest or any other interest in the question discussed in the council.

2. In any case of a conflict of interest, the disqualifying provisions contemplated in the Code of Administrative Procedure of the Republic of Albania are applicable.

### **Article 58** **Leadership of a Regional Council**

1. The leadership of a regional council consists of the chairman, the vice chairman and from 5 to 9 other members.

2. The chairman and vice chairman are elected and discharged by the majority of votes of the members present at a meeting. When the required majority is not reached, it passes to a re-voting between the two candidates who won the greatest number of votes in the first round.

3. Other members of the leadership of a regional council are elected and discharged by voting with multi-name lists of candidates, and the candidates who have received the most votes are declared the winners.

4. The leadership of a regional council is called into a meeting by the chairman no less than once a month.

5. Meetings of the chairmanship are valid when more than half of the members take part in them.

6. The functions of the chairman, vice chairman and secretary of the regional council are incompatible with the function of mayor of a commune or municipality.

### **Article 59** **Competencies of the Leadership of a Regional Council**

1. For the realization of the functions of the region and in implementation of the decisions of its council, the leadership of a regional council:

a) exercises all the competencies, except those which have been expressly given to the regional council;

b) approves draft acts and other materials for the meeting of the regional council, in accordance with the agenda specified by the council, as well as for problems it requests itself;

c) reports to the council on the economic-financial situation at least every 6 months or more often, whenever requested by the council;

ç) reports to the council whenever requested by it about other problems that have to do with the functions of the region;

d) exercises the rights and assures the meeting of all obligations charged on the region as a juridical person.

2. In the exercise of its competencies, the leadership of the regional council issues decisions, which are approved by a majority of the members present. Decisions receive juridical force for being implemented by all organs and persons charged, after they are announced publicly or are made known to the interested subjects.

3. Decisions of the leadership shall be approved at the nearest meeting of the regional council and if they are not approved, they lose their effect from the beginning.

### **Article 60** **Chairman of a Regional Council**

1. The chairman of a regional council represents the regional council in relations with state organs, with the organs of the units of local government, with natural and juridical persons, Albanian and foreign, and also exercises these competencies:

a) he chairs meetings of the regional council and of its leadership;

b) he signs all acts of the council and the leadership of the council, as well as minutes of the meetings of the council and the leadership;

c) he assures the implementation of the decisions of the regional council and of its leadership;

ç) in compliance with the sense of the meetings of the regional council and the leadership, he prepares reports, draft decisions and other necessary materials;

d) he directs the administration of the regional council and is responsible before the council for its functions

dh) he appoints and discharges the personnel of the administration of the regional council, except for the cases contemplated otherwise in law nr. 8549 dated November 11, 1999 "Status of the civil servant;"

e) he guarantees the performance of the functions that have been given by law to the regional council;

ë) he takes measures and assures the normal functioning of all structures of the council, the meetings of the council and of its leadership;

f) he exercises other competencies charged on him by law, by the regional council or by its leadership.

2. In the exercise of his competencies, the chairman of the regional council issues orders of an individual nature.

3. In the absence of the chairman, his functions are performed by the vice chairman.

### **Article 61**

#### **Secretary of a Regional Council**

The secretary of a regional council carries out his duties the same as those of the secretary of a communal or municipal council specified in article 37 of this law.

### **Article 62**

#### **Limitation of Authority of a Region**

1. The decisions of the regional organs may not infringe the autonomy of the constituent communes and municipalities.

2. The decisions of the regional organs shall aim at the fairest possible distribution of resources and benefits in favor of the constituent communes and municipalities.

## **CHAPTER X**

### **REORGANIZATION OF LOCAL GOVERNMENT**

#### **Article 63**

##### **Administrative-Territorial Reorganization**

The administrative-territorial division in force may be reorganized with or without change of the existing borders of the units of local government, in accordance with economic and social interests, tradition, culture, traditional ties and other local values, for the realization at a higher level of functions to the benefit of the local community or for the implementation of regional, and wider, development policies.

**Article 64**  
**Reorganization with Amendment of Boundaries**

Reorganization with change of boundaries is done when:

- a) a unit of local government is divided in a complete manner into two or more individual units of local government;
- b) two or more units of local government are dissolved to form together in their territory a sole unit of local government;
- c) a piece of the territory of one unit of local government passes to the territory and administration of another unit of local government;
- ç) a combination of the above cases is required.

**Article 65**  
**Reorganization without Change of Boundaries**

Reorganization without change of boundaries is done in cases of changing the name of a unit of local government or in cases of a change of the location of its center.

**Article 66**  
**Legal Support and Proposer of Reorganization**

Reorganization of an administrative-territorial division with or without a change of boundaries is done by separate law.

**Article 67**  
**Argumentation and Documenting of the Reorganization by the Proposer**

A proposal for the reorganization of one or more units of local government, for every separate case, is submitted to the Assembly together with these facts and arguments:

- a) The economic, social, cultural, demographic, and administrative reasons for the need and advantages of the reorganization.
- b) The manners and materials or documents used for informing the public about the reorganization and questions related to it.
- c) The opinion of the population that lives in the units of local government that are to be reorganized, as well as the opinion “for” and “against” this reorganization, in each separate case by subjects or groups interested directly in indirectly in the reorganization.
- ç) The manners of taking the opinions in open meetings, consultative sessions with the public, public hearings, public opinion polls certified by the competent organs or the position expressed through a local referendum or in another appropriate and credible manner.
- d) Administrative-territorial maps in which the changes that result from the reorganization are reflected.
- dh) The contemplated effects of an economic, financial, social or demographic nature and the civil and administrative obligations that result or are transferred or divided.
- e) The contemplated manners of regulation of financial or property questions and obligations to third parties or with respect to one another of the units of local government included in the reorganization.

**Article 68**  
**Obligation to Express an Opinion**

1. The communal, municipal and regional councils included directly in a reorganization, as well as their mayors, give their official opinion and, if there is one, also the opinion against of a part of the council members of the respective council.

2. The Council of Ministers, when the latter is not the proposer, and other central state institutions that do not depend on the Council of Ministers, interested in the respective reorganization, give their reasoned opinion “for,” “against” or “abstention” to the reorganization.

3. The above organs give the opinion within 60 days from receipt of a request by the proposer for the expression of their opinion.

**Article 69**  
**Regulation of the Rights and Obligations of the Reorganized Units**

1. In every case, when the reorganization affects questions of financial or property rights or obligations to third parties and other civil rights of the units of local government, they are regulated according to the legislation in force as rights and obligations of juridical persons, as a rule, through an agreement between the parties.

2. In case of disagreements about the problems contemplated in point 1 of this article, the conflicts are resolved judicially.

**Article 70**  
**Guaranteeing the Continuation of the Basic Governing Functions**

1. In case of a reorganization with change of boundaries that creates new units of local government, or when the reorganization causes an incompatibility of the mandate of the majority of the members of the council of the unit of local government a piece of whose territory is taken away, partial local elections are carried out in these units, in the manners and time periods contemplated in the Electoral Code of the Republic of Albania.

2. The new organs of local government, as well as other competent central and local state organs, immediately take necessary measures so that the units of local government created or affected by the reorganization shall function normally, according to this law, guaranteeing the performance of basic public services for the respective populations for the transitional period.

**CHAPTER XI**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 71**  
**Implementation of the Law**

The functioning of the units of local government in the manner specified in this law is realized in compliance with the time periods set out in the articles of this chapter.

**Article 72**  
**Functioning and Organization of the Units of Local Government**

1. With the entry of this law into force, the communal, municipal and regional councils exercises their full rights and competencies for:

a) approval of decisions, orders and ordinances for their organization, in the manner specified in this law;

b) the right of fiscal competency;

c) the right to undertake initiatives in the interest of the respective communities;

ç) the approval of rules and procedures for personnel;

d) the exercise of every other right or competency specified in this law and other laws related to ownership and the performance of functions.

2. Communes, municipalities and regions gain ownership over local properties in compliance with and according to the time periods specified by separate law.

3. Communes, municipalities and regions gain ownership over public enterprises according to the time periods specified by separate law and also exercise the right to create juridical persons in compliance with this law.

4. Beginning from January 1, 2001, communes and municipalities are entirely responsible for the performance of their own following functions:

I. In the field of infrastructure and public services:

a) building, rehabilitating and maintaining roads of a local nature, sidewalks and public squares;

b) providing illumination of public places;

c) the functioning of urban public transport;

ç) administering cemeteries and guaranteeing burial service;

d) public signs;<sup>10</sup>

dh) administering parks, gardens and public greenery areas;

e) collecting, removing and processing garbage;

II. In the field of services of a social, cultural and sporting nature:

a) preserving and developing local cultural and historical values, organizing activities and administering the respective institutions;

b) organizing sporting, recreational and entertainment activities and administering the respective institutions;

c) providing social service and administering institutions such as nurseries, shelters, children's homes etc.

III. In the field of local economic development:

a) preparing programs for local economic development;

b) constructing and operating public markets and the commercial network;

c) developing small business as well as developing incentive activities such as fairs and advertisements in public places, etc.;

ç) organizing services in support of local economic development such as information and necessary structure and infrastructure;

d) veterinary service;

dh) maintaining and developing forests, meadows and natural resources of a local nature.

5. Beginning from January 1, 2002, communes and municipalities are completely responsible for the performance of their own following functions:

I. In the field of infrastructure and public services:

a) supplying drinking water;

b) the functioning of the system of channels for fresh water, sewage and protective channels for residential zones;

c) urban planning, land management and housing, in the manner specified by law, except for the competency for the approval of squares and building licenses, which passes to the communes and municipalities from January 1, 2001.

II. In the field of order and civil defense:

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<sup>10</sup> Translator's note: The Albanian word is "dekor" - a little narrower than signs; more like public announcements of events, greetings to visiting dignitaries, etc.:

- a) Maintaining of public order for the prevention of administrative violations and the guarantee of the implementation of the acts of the commune or municipality;
  - b) civil defense.
6. Beginning from January 1, 2002, the measures and manners of dividing the following joint functions and competencies shall be set by law:
- a) The functioning of pre-school and post-university education;
  - b) the functioning of the system of priority health service and the protection of public health;
  - c) social care, reduction of poverty and the guaranty of the functioning of the respective institutions;
  - ç) functions designated for public order and civil defense;
  - d) environmental protection.
7. Communes and municipalities will also exercise other functions, divided in the manner specified by law.
8. No later than January 1, 2001, the regions perform all the functions and exercise all the competencies given in this law.

### **Article 73**

#### **Fiscal Competencies of the Units of Local Government**

1. Beginning from January 1, 2001, communes, municipalities and regions exercise the right of imposing local fees and tariffs, specified by separate law.
2. Beginning from January 1, 2001, communes, municipalities and regions have full autonomy for setting local tariffs for the following categories:
- a) Tariffs for public services;
  - b) tariffs for the use of public goods, with the exception of those produced by the central government;
  - c) administrative tariffs for licenses, authorizations, certificates and official documentation.
3. Communes, municipalities and regions exercise the right to alienate and permit the use of property and the use of the income created in accordance with the respective laws of local property.
4. Beginning from January 1, 2002, communes, municipalities and regions have the right to seek credits for investments in accordance with the procedures and criteria specified by separate law.
5. Beginning from January 1, 2002, communes, municipalities and regions have the right to receive financing specified by separate law from the following sources:
- a) Unconditional general and equalizing transfers;
  - b) division of national fees;
  - c) conditional transfers for reaching national objectives;
  - ç) funds transferred from the central government to communes, municipalities and regions for the performance of delegated functions.
6. Beginning from January 1, 2001, communal, municipal and regional councils approve their budget, based on the principle of local autonomy and uniform national accounting standards of zero budget deficit.
7. Beginning from January 1, 2001, communes, municipalities and regions institutionalize internal financial audit.
8. Beginning from January 1, 2001, communes and municipalities make their contributions to the budget of the region.

**Article 74**  
**Duties of the Council of Ministers**

1. The Council of Ministers is charged with drawing up draft laws and sub-statutory acts with the purpose of respecting the time periods specified in this chapter.

2. This obligation is realized through a process of cooperation and consultation with the representatives of the units of local government, local communities and civil society in general.

**Article 75**  
**Abolition of the District Councils**

1. The district councils are abolished on the date the local elections of the year 2000 are carried out. The administration of the district council passes under the dependency of the prefect.

2. The prefect is responsible for performing the functions of the former district councils that are not transferred to the communes and municipalities according to this chapter.

**Article 76**  
**Repeals**

With the entry of this law into force, Law no. 7572, dated June 10, 1992 "On the organization and functioning of local government," with later amendments and additions, and every other provision that conflicts with it are repealed.

**Article 77**  
**Effective Date**

This law is effective fifteen days after publication in the Official Journal.

Promulgated with decree no. 2729 dated August 7, 2000 of the President of the Republic of Albania, Rexhep Meidani.

**CHAIRMAN**  
**SKËNDER GJINUSHI**