

LAW
No.8402, dated 10.09.1998

ON CHECKING AND DISCIPLINING THE CONSTRUCTION WORKS

Pursuant to article 16 of the law no.7491, dated 29.04.1991, “On the main constitutional provisions”, upon the proposal of the Council of Ministers,

THE PEOPLE’S ASSEMBLY OF THE REPUBLIC OF ALBANIA
DECIDED:

CHAPTER 1
GENERAL PROVISIONS

Article 1

The designing, supervision, implementation and testing of the construction works for the facilities in the Republic of Albania, are checked and disciplined subject to the provisions of this law.

Article 2

This law is applied for all the designs and applications of the construction works performed by natural or legal persons, whether local or foreign, in the territory of the Republic of Albania.

Article 3

Referring to this law, construction works, if not otherwise defined, shall mean all the construction works for buildings, civil facilities, industrial and infrastructural works, as well as other objects.

CHAPTER II

FUNDAMENTAL REQUESTS

Article 4

The construction works as defined in article 3, should be designed and applied entirely or in separate parts in compliance with the urban planning requirements, technical design conditions, and technical application conditions, considering as well their economic issue. They should meet the demands dealing with:

1. resistance and economic durability
2. protection from fire
3. hygiene, health and environment
4. safety in application
5. protection from noises
6. saving of energy and retention of warmth

CHAPTER III

THE DESIGNING, SUPERVISION, IMPLEMENTATION AND TESTING OF THE CONSTRUCTION WORKS

Article 5

The objects defined in article 3 of this law, are built based on the application projects drafted by a state designing body or by natural or legal persons, whether local or foreign, possessing the relevant license.

The designers, based on the fundamental requirements described in chapter II of this law, are in charge of designing the facility.

Article 6

For all kinds of construction works, estimated at least 200million lek, a technical opinion will be performed by the governmental institutions or other entities as defined by the ministry covering the construction works.

Article 7

By all means, a supervisor of the construction works must be assigned for all kinds of facilities. The supervisor of the construction works, nominated by the investor, should be a natural or legal person, whether foreign or local, possessing the relevant license and having no relation whatsoever with the individual who will apply the construction works of the facility that the supervisor shall direct.

The supervisor of the construction works is obliged to check periodically and in the main stages the construction site book and he is responsible for the accuracy, truthfulness of the documents as well as the quality of the construction work.

When deemed necessary by the investor, the supervisor role may be endowed to an investor's employee who possesses the relevant license.

Article 8

The application of the construction works is performed by legal persons, whether public or private, who possess the relevant license for the application of the construction works. The developer has the responsibility to build the facility within the deadline set in the contract, in compliance with the design, the technical conditions into force, as well as the technical security rules. He must provide the quality of the construction material and construction products which must meet the criteria of the design in compliance with the national and European standards.

Construction material and projects shall mean every product produced to be incorporated permanently in the construction works.

Article 9

For all the facilities defined in article 3, the individual who applies the construction works must notify the regional urban planning section and construction police before starting the construction works.

This notification must contain the names and data on the investor, designers, construction work supervisor and the individual applying the construction works. During all the course of the construction works, the plan of action of these works should by all means be compiled as follows:

- a) The design-application signed by the designers as well as the location plan and the construction license attached to it.
Design application shall mean the complete technical documentation which enables the total construction of the facility and rendering it operational.
- b) The topography, geological, and engineering documentation of the foundations, basements and masked works.
- c) The relevant documentation of all the potential changes that might have been made to the design in the course of the facility construction.
- ç) the documents verifying that the object has been built in compliance with the design-application without circumvention from the functional and static approaches.

Article 10

Since the very day of the commencement of the construction works and until their completion, the documents referred to in points a, b, and c of article 9, as well as a construction site book, the basic document attesting the important phases of the facility construction, must be retained at the construction site, all signed and dated by the developer.

Article 11

Upon the completion of the construction works, within a time period of thirty days, the developer submits to the urban planning section of the district two copies of a report regarding the fulfillment of the obligations deriving from article 9, with the relevant documentation attached to it, as well as :

- a) certificate of the material evidence used, issued by the laboratories as defined in article 14 of this law;
- b) certificate for the previous constructions
- c) conclusions on the weight tests, with the written records retained for this purpose;
- ç) documents attesting that the facility has been built in compliance with the design-application, without circumvention from the functional and static approaches.

One of the two copies of this report and the relevant documents are retained at the urban planning section or office of the region or municipality. The other copy is retained by the supervisor of the construction works, after having been confirmed for retention and is sent to the investor for testing with the relevant documents as defined in article 9 of this law.

Article 12

All the facilities defined in article 3 must undergo a technical economical testing which aims to verify whether:

1. the facility has been built respecting the technical criteria;
2. the facility has been built in compliance with the contract and its annexes;
3. the applied prices are according to the contract definitions;
4. this testing verifies as well the requirements of the developer presented during the application of the construction works.

The testing of the facility is performed by the tester who is a natural or legal person, whether foreign or local, who possesses the relevant license for testing construction works and who is not at all related to the construction works, supervision and application of the construction work to be tested by him.

The nomination of the tester or of the testing group is the duty of the investor, who should communicate this nomination to the person, institution that will be dealing with the testing as well as to the regional or municipal urban planning section or office, within a time period of thirty days following the date of the construction work completion. The investor will define the deadline of the testing duration.

When there is no investor and the constructor builds for his own account, he is obliged to require from the urban planning section or office, a list of licensed testers according to paragraph 2 of this article and choose one of them, within a time period of thirty days.

The contents of the written records maintained on testing, will be defined in the relevant decree of the Council of Ministers.

The written record is signed by the tester, developer and supervisor of the works. The tester submits two copies of the testing written records to the relevant urban planning section or office and after the registration takes place, these records are sent to the investor.

Article 13

The issuance of the permission to use or to dwell in the facility is carried out by the urban planning section or office, after the submission of the testing written records.

Upon the request of the owner of the construction site, the relevant urban planning section or office, officially sends the office for the registration of the immobile properties, in which jurisdiction the facility is included, the design and the urban planning conditions approved for the construction site. The following documents are attached to this documentation:

- permission for the construction site
- permission for construction
- the written records for the facility testing
- permission to use or reside in the facility
- other documents that define or individualize the built facility.

Upon the submission of this documentation, the office for the registration of immobile property, in compliance with the legal provisions, performs the relevant

acts of registering the facility and issues the property certificate to the person interested.

Article 14

The imported construction materials must be accompanied by a quality certificate issued by a laboratory accredited at the European Union countries. When these materials have been produced in the country, they must possess a quality certificate issued by the laboratories accredited by the Directorate of Standards and Quality.

CHAPTER III

SANCTIONS

Article 15

The violations to articles 5, 6, 7,9,10 and 11 of this law constitute administrative offence and are sued with a fine of 50 000 to 200 000 lek.
For violations of the articles 4,8,12 and 14 of this law the fine imposed is 300 000 to 500 000 lek.

The fine is imposed by the chairman of the relevant branch of the Construction Police.

Article 16

The fine is paid by the violator within 5 days following the day that the decision was made effective.
If the deadline is not respected, an interest rate of 2 percent of the fine is paid per day for the delay for a period of one month. When even after this period the payment is not performed, the decision is executed legally according to the law.

Article 17

The decision for penalization with fine can be appealed within 5 days at the director of the Construction Police. The above mentioned decision can be appealed to the court of the district where the violation took place, within 5 days.
If the right to appeal to the court has not been exercised within 5 days, the decision becomes effective and constitutes an executive title.

CHAPTER IV ULTIMATE PROVISIONS

Article 18

The Council of Ministers is assigned to issue the relevant by-laws for detailing and executing this law.

Article 19

The law no.7720, dated 14.06.1993 “On checking and disciplining the construction works” and any other legal provision or by-law that conflicts with this law, are abrogated.

Article 20

This law enters into force 15 days after the publication at the Official Gazette.

Issued upon the decree no.2220, dated 24.09.1998 of the President of the Republic of Albania, Rexhep Mejdani.

LAW

No.8404, dated 15.09.1998

FOR AN ADDITION TO THE LAW NO.7978, DATED 26.07.1995 “ON THE ARMED FORCES OF THE REPUBLIC OF ALBANIA”

Pursuant to article 16 of the law no.7491, dated 29.04.1991 “On the main constitutional provisions”, upon the proposal of the Council of Ministers,

THE PEOPLE’S ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

Article 1

In law no.7978, dated 26.07.1995 “On the Armed Forces of the Republic of Albania” in article 4, following the second sentence the following words must be added: “except for the commando units and the Military Police, who upon the request of the Minister of the Public Order and upon the approval of the Minister of Defense may be used to defend the state institutions and facilities of specific importance, and who act in compliance with the laws and by laws that adjust the functioning of the Public Order Police forces”.

Article 2

This law enters into force upon the decree issued by the President of the Republic, Rexhep Mejdani