

**REPUBLIC OF ALBANIA  
THE ASSEMBLY**

**L A W**

**No. 9780, dated 16.7.2007**

**ON CONSTRUCTION INSPECTION**

In reliance on articles 78 and 83, section 1 of the Constitution, upon the proposal of the Council of Ministers,

**THE ASSEMBLY  
OF  
THE REPUBLIC OF ALBANIA**

**D E C I D E D**

**Article 1**

**Purpose**

The purpose of this law is to secure compliance with the norms, standards and legislation in the field of construction, urban planning and water reserves in a decentralized way and accordance with the subsidiary principle of throughout the territory of the country, on the basis of the administrative division.

**Article 2**

**Object**

Object of this law is the definition of the bodies for construction and urban planning, of the organization and the rules for their functioning and responsibilities.

**Article 3**

**Organization of construction inspection**

The control and implementation of legality and of the technical standards in the field of construction and urban planning shall be carried out by:

1. Construction and Urban Planning Inspectorate of the municipality/commune;
2. National Construction and Urban Planning Inspectorate.

The construction and urban planning inspectorate shall be established on a regional basis, in accordance with the article 6, 7 and 18 of this law.

## **Article 4**

### **Responsibilities of municipality/commune construction and urban planning inspectorate**

At each municipality/commune shall be established the construction and urban planning inspectorate, which, through its chief inspector and inspectors shall exercise within the administrative territory of the municipality/commune the responsibility of the control and implementation of the law and technical standards in the field of construction and urban planning, and those explicitly provided for by other laws.

The structure of the construction and urban planning inspectorate shall be subject to the approval of the respective local council, upon proposal of the Mayor of the municipality/commune.

The construction and urban planning inspectorate of the municipality/commune shall be headed by the chief inspector, who shall be nominated by the Mayor of the municipality/commune.

In the accomplishment of the responsibilities provided for by the law, the construction and urban planning inspectorate of the municipality/commune shall be supported by the municipal/communal police and shall be equipped with the necessary means and vehicles by the municipality/commune.

## **Article 5**

### **Duties of municipality/commune construction and urban planning inspectorate**

In the exercise of the responsibilities provided for by article 4 of this law, the construction and urban planning inspectorate shall undertake the following measures:

a) controls accomplishment of legal obligations in the field of construction and urban planning;

b) imposes fines according to the type of infringement of the legal provisions governing the field of construction and urban planning;

c) submits to the respective bodies the request for the withdrawal of the individual professional license or that of the company in the case of an unauthorized construction, as well as in those cases where violation of the technical conditions of execution, planning and violation of the suspension order of construction works are identified;

ç) decides the suspension of construction works in that case where time in advance is required to taking a decision on the compliance with the legal duties in the field of construction and urban planning;

d) decides the demolition of the illegal building;

dh) prepares the report on the criminal offences found during the control and submits it to the competent bodies, as provided for by the legislation into force;

e) provides the required information to the National Construction and Urban Planning Inspectorate, as well as ensures all the facilities in function of the accomplishment of the duties this Inspectorate.

## **Article 6**

### **Cooperation and delegation of responsibilities and tasks for construction and urban planning inspection of municipality/commune**

The municipality/commune may delegate to the region of which it is an integral part the responsibilities and duties provided for by articles 4 and 5 of this law, according to an agreement stipulated between the parties and in compliance with the legislation into force.

The municipality/commune may exercise the responsibilities and duties defined in articles 4 and 5 in cooperation with one or some local government unit, based on an agreement or contract, in compliance with the legislation into force.

## **Article 7**

### **Regional Construction and Urban Planning Inspectorate**

The regional council, in function meeting the delegated responsibilities and duties for the implementation of the articles 6 and 18 of this law, shall take the decision on the establishment of the regional construction and urban planning inspectorate.

The structure, number of employees and salaries of the regional construction and urban planning inspectorate shall be subject to the approval of the regional law, upon proposal of the chair.

For the accomplishment of the responsibilities and duties established by the law, the regional construction and urban planning directorate cooperates with the State Police and is equipped with the necessary means and vehicles by the regional council.

## **Article 8**

### **National Construction and Urban Planning Inspectorate**

The National Construction and Urban Planning Inspectorate is a public central and budget-based institution, with the status of a legal entity, which is under subordination of the ministry in charge of the construction and urban planning field. The National Construction and Urban Planning Inspectorate shall be chaired by the Chief inspector, who shall be nominated by the Prime Minister, upon proposal of the minister in charge of the construction and urban planning field.

The modality of organization, operation, as well as the salaries of the employees of the National Construction and Urban Planning Inspectorate shall be established by a decision of the Council of Ministers.

The structure and organigramme of the National Construction and Urban Planning Inspectorate shall be defined by an order of the Prime Minister, upon proposal of the minister in charge of the construction and urban planning field.

## **Article 9**

### **Responsibilities of National Construction and Urban Planning Inspectorate**

The National Construction and Urban Planning Inspectorate, through the Chief inspector and the inspectors, shall exercise the following responsibilities:

a) exercises the responsibilities of the construction and urban planning inspectorate of the municipality/commune/region for the constructions on the areas and facilities of national importance, in cases of violations of the legality in the urban planning field are

found and where they were not exercised by the construction and urban planning inspectorate of the municipality/commune/region.

The areas and facilities of national importance, in the meaning of this law, are those areas with tourism development as a priority, the zones/buildings of cultural inheritance, the archaeological parks and zones that enjoy protection under the legal and sub-legal provisions into force, the protected environmental areas, monuments of nature, national roads, railways and installations of the national infrastructure, airports, coastal and lake areas, lagoons, rivers, areas of natural danger;

b) oversees the implementation of the provisions of this law by the construction and urban planning inspectorate of the municipality/commune/region;

c) exercises the responsibilities explicitly set out in separate laws;

ç) oversees the implementation of the legal provisions in the field of water reserves;

d) oversees compliance with the legal requirements related to the construction materials and products launched in the market.

## **Article 10**

### **Duties of National Construction and Urban Planning Directorate**

1. The National Construction and Urban Planning Inspectorate, in the exercise of the responsibilities provided for in article 9, sub'-sections "a" and "b" of this law, shall undertake the following measures:

a) imposes fines on the construction and urban planning chief inspectors and inspectors of the municipality/commune/region for actions or omissions that fall contrary to the requirements of legal provisions into force and in compliance with this law;

b) proposes to the respective bodies the undertake of disciplinary measures against the chief inspector and the inspectors of the construction and urban planning inspectorates of the municipality/commune/region, referred to in the section 1/a of this article;

c) exercises the duties of the construction and urban planning inspectorate of the municipality/commune/region, provided for by article 5 of this law, for the constructions in the zones and facilities of national importance, as specified in sub-section "a" of article 9 of this law;

ç) the submits to the respective bodies the request for the withdrawal of the individual professional license or that of the company in the case of an unauthorized construction, as well as in those cases where violation of the technical conditions of execution, planning and violation of the suspension order of construction works are identified;

d) prepares the report on the criminal offences found during the control and submits it to the competent bodies, as provided for by the legislation into force;.

2. The National Construction and Urban Planning Inspectorate, in the exercise of its responsibilities established by subsection "d" of the article 9 of this law, shall undertake the measures provided for in the legal provisions into force on the construction products.

3. The National Construction and Urban Planning Inspectorate, in the exercise of its responsibilities provided for by sub-section "ç" of the article 9 of this law, shall undertake the following measures:

- a) decides meeting of the legal obligations in the field of water reserves;
- b) imposes fines according to the type of violation of the legal provisions applicable in the field of water reserves, and in compliance with the legislation into force;
- c) submits to the respective bodies the request for the withdrawal of the individual or company professional license in the case of an unauthorized building, illegal exploitation of inert materials, as well as in those cases where violations of technical conditions of execution, planning and violation of the decision of suspension of construction works are identified;
- ç) decides the suspension of works in construction, in the case where a preliminary time period is required to take a decision on meeting legal obligations in the field of water reserves;
- d) decides the demolition of the illegal construction;
- dh) prepares the report on the criminal offences identified during the exercise of control and submits it to the competent bodies, according to the legislation into force.

## **Article 11**

### **Qualification of Chief inspectors and inspectors of construction and urban planning inspectorate**

The chief inspectors of the municipality/commune/region/national construction and urban planning inspectorate and the inspectors of the National Construction and Urban Planning Inspectorate should have the required higher professional education in the fields of construction engineering, architecture, urban planning, construction transport, material technology, geology, hydro-geology and environment.

The inspectors of the construction and urban planning inspectorate of the municipality/commune/region may have a vocational secondary education in the field of construction.

## **Article 12**

### **Control Performance**

For the exercise of the responsibilities and duties provided for by this law, the chief inspectors/inspectors are entitled to perform controls in the sites where the construction is being raised. The subject of control (as appropriate, the investor, designer, implementing authority, supervisor, check-out person, manufacturer of construction materials) and all the other individuals involved in the construction process are obliged to assist in the control performance, as well as in the examination of all the required documents.

The chief inspector/inspector should be identified by an official document.

The situation findings during the control shall be reflected in the respective process verbal. Keeping a process verbal is obligatory in any case of control and it shall be signed both by the chief inspector/inspector who perform the control, as well as by the entity that has been subject to this control, in that case where the latter is present and does not oppose to signing. One copy of the process verbal shall be given to the controlled entity.

In the case where the controlled entity rejects to sign the process verbal or is not

present, this fact shall be reflected in the process verbal and a copy of the process verbal shall be provided within 5 days from the date of control. In the case where the identity and address of the controlled entity is unknown, a copy of the process verbal of findings shall be posted for 10 days at the announcement place of the respective municipality/commune/region and at the construction site. Upon expiry of such deadline, the controlled entity is considered as notified on the result of the control.

## **Article 13**

### **Issue of administrative decisions and timelines**

Within 10 days upon receipt of the copy of the process verbal or of the notification on the result of the control, the inspectors of the municipality/commune/region/national construction and urban planning inspectorate shall take a decision on the undertake of the respective measures and imposition of administrative sanctions, which shall be signed by the chief inspector.

Suspension of construction works shall have a timeline up to 10 days. The municipality/commune/region/national construction and urban planning inspectorate shall take the decision on the found violation within the 10-day time period referred to above.

The decisions of the municipality/commune/region/national construction and urban planning inspectorate shall foresee timelines of up to 60 days for their execution, in accordance with the type of violation. Exceptionally, decisions on the demolition of the unauthorized building shall be executed in a period no longer than 30 days.

## **Article 14**

### **Administrative and Judicial Complaint**

Against the decision of the construction and urban planning inspectorate of the municipality/commune/region on taking measures and imposing administrative sanctions, administrative and judicial complaint shall be allowed in accordance with the rules and timelines established by the legal provisions into force. The administrative and judicial complaint against the decision of the construction and urban planning inspectorate of the municipality/commune/region shall not suspend its execution.

Against the decisions of the National and Urban Planning Inspectorate shall be allowed direct appealing at court, within 10 days from the day of announcement of the decision. Judicial complaint against the decision of the National Construction and Urban Planning Inspectorate shall not suspend its execution.

In the case that, based on the final decision of the court, it is ruled in favour of accepting lawsuit, the plaintiff is entitled to request the respective compensation for the inflicted damage by the municipality/commune/region/national construction and urban planning inspectorate that has taken the decision.

## **Article 15**

### **Administrative misdemeanours of the chief inspectors/inspectors and fines**

If not qualified as a criminal offence, actions or omissions of the chief inspectors/inspectors of the construction and urban planning inspectorate of the municipality/commune/region, as well as of the inspectors of the National Construction and Urban Planning Inspectorate, which fall against the provisions of this law and of the legislation in the field of construction, urban planning and water reserves, shall constitute administrative misdemeanour and be punished by fine.

The following administrative misdemeanours shall be subject to fine as below:

1. Failure to exercise control of territory in the field of construction and urban planning is subject of a fine of 200,000 lekë.

2. Misrepresentation of findings from the control in the field of construction, urban planning and water reserves is subject of a fine of 200,000 lekë.

4. Failure to comply with the timelines of execution of the decisions provided for by this law is subject of a fine of 150,000 lekë.

5. Failure to comply with the timeline of taking a decision on the demolition of the illegal facility is subject to a fine of 20,000 lekë.

6. Failure to comply with the timeline of enforcing the demolition of the illegal facility is subject to a fine of 150,000 lekë.

The fine shall be imposed by decision of the Chief inspector of the National Construction Urban Planning Inspectorate. Against the decision on the fine size, direct appeal may be addressed to the court within 10 days from the day of receiving notification on the decision.

## **Article 16**

### **Unification of practices**

The Council of Ministers shall take a decision on the unification of the practices of the construction and urban planning inspections for the exercise of their powers.

## **Article 17**

### **Transitory provision on transformation of Construction Police**

1. The Construction Police shall be transformed into the National Construction and Urban Planning Inspectorate, upon entry into force of this law.

2. The structure of the National Construction and Urban Planning Inspectorate shall be approved within three months from the entry into force of this law.

Until issuance of the order on its structure, the National Construction and Urban Planning Inspectorate shall operate according to the existing structure. The National Construction and Urban Planning Inspectorate shall exercise the responsibilities of the municipality/commune/region inspectorate until the establishment of the latter.

3. The National Construction and Urban Planning Inspectorate shall transfer administrative documentary practices under examination of and followed by the Construction Police to be administrated and further pursued by the construction and urban planning inspectorate of the municipality/commune/region.

## **Article 18**

### **Establishment of local government units' construction and urban planning inspectorates**

1. Within three months from the entry into force of this law, the municipal/communal councils shall take the decision on the establishment of the respective construction and urban planning inspectorate, as well as on the delegation to the region of the responsibilities and tasks provided for by this law for the municipality/commune, in accordance with the article 6 of this law. The structure, number of employees and salaries of the municipality/commune construction and urban planning inspectorate shall be approved within the same three-month term by the council of the local government unit, upon proposal of the respective chair.

2. In the case of delegation of the tasks and responsibilities from the municipalities/communes to the region, as referred to in section 1 of this article, the agreement between the parties should be signed within the three-month term provided for by section 1 of this article. The regional council shall take the decision on the establishment of the region's construction and urban planning inspectorate within 2 months from the day of signing the agreement.

3. In the case that, upon expiry of the 3-month term, referred to in section 1 of this law, the municipalities/communes have failed to meet the legal obligations provided by this section, the tasks and responsibilities of the latter provided for in articles 4 and 5 of this law, along with their function of urban planning and land management, shall be transferred to the region of which the local government unit is an integral part. Within two months from the expiry of the 3-month term established by section 1 of this article, the regional council takes the decision on the establishment of the region's construction and urban planning inspectorate.

## **Article 19**

### **Repeals**

The law on construction police no. 8408, dated 25.09.1998 "On the Construction Police", amended, as well as all the legal and sub-legal acts, which fall against the provisions of this law, shall be repealed.

## **Article 20**

### **Final provision**

The Council of Ministers shall be tasked with issuing the sub-legal acts in accordance with articles 8 and 16 of this law.

## **Article 21**

### **Entry into force**

This law enters into force 15 days following its publication in the Official Journal.

**S P E A K E R**  
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