

MATRIX OF RECOMMENDATIONS ON THE FUNCTIONING OF THE E-PERMIT'S PLATFORM		INVESTMENT COUNCIL SECRETARIAT JANUARY 2018	
PILLAR	RECOMMENDATION	RESPONSIBLE INSTITUTION	TIME-TERM
I. LEGAL FRAMEWORK	<p>Recommendation 1. The authorities in charge which decide on the construction permits to meet the legal time term of 60 calendar days.</p> <ol style="list-style-type: none"> 1. Amendment to the DCM No. 408 dated 13.05.2015 <i>“For the Approval of the Territory Development Regulation”</i> in order to reflect this deadline. Interim deadlines (e.g. for providing opinions/approvals by the other institutions might be defined in <i>working days</i>, meanwhile the general deadline for the approval/rejection of the construction permit should not exceed <i>60 calendar days</i>). 2. Re-settlement of the deadlines as above-mentioned in the e-permits platform to ensure that the legal obligation is met. 	<p>TDA</p>	<p>Short term</p>
	<p>Recommendation 2. Unification and firmly establishing of the procedures followed by the responsible authorities which decide on the approval of the construction permits.</p> <p>Preparation by MIE/TDA of a detailed operational, technical and legal manual as an Instruction for all the users. The manual should be made available to all platform users, in particular Municipalities and AIDA as institutions that can promote platform’s one-stop-shop services to potential investors.</p>	<p>MIE/TDA</p>	<p>Mid term</p>

	<p>The manual to provide details for each application category within the e-permits platform:</p> <ul style="list-style-type: none"> • Exhaustive lists (as much possible) of the necessary documents according to the typologies/categories of construction permits. These lists must be previously agreed with the other institutions (Ministries, Agencies, Committees, and Councils). • The competences and the role of each institution included in the platform. • Technical and legal workflow pursued by the platform and institutions which are part of it. 		
	<p>Recommendation 3. TDA should be provided by the legislation with the attributes of the legal and technical administrator of e-Permits Platform.</p> <p>The necessary amendments should be reflected in the Law No. 107/2014 and in the DCM on the <i>Administration of e-Platform</i> to be approved on this purpose.</p>	TDA/CoM	Short term
	<p>Recommendation 4. Suspension cases of the functioning of the platform when necessary should be made on legal basis.</p> <p>To resolve this kind of situations as per legal framework and to avoid any misunderstanding in practice, it is recommended that cases of applications suspension in the e-permits portal only for objective/maintenance reasons should be explicitly provided by the Law itself No. 107/2014, DCM No. 408 and other sub-legal acts.</p>	MIE/AZHT	Mid term

	<p>Recommendation 5. Legal amendments to the sectorial legislation of some institutions, in order to respond to the digitalisation requests of the platform as a one-stop shop service.</p> <p>a) Law No. 33/2012 “<i>On the registration of the immovable properties</i>” and Instruction of the Council of Ministers No. 1, dated 13.04.2016 should be subject of legal amendments in order to address this need.</p> <p>b) Law No. 9048, dated 7.4.2003 “<i>On Cultural Heritage</i>,” should be subject of amendment as relates to the written approvals issued by NCA and NCR.</p> <p>c) Amendments to the Law No. 8402/1998 “<i>On the Controlling and Disciplining of the Construction Works</i>” (amended) and the relevant sub-legal framework require the notification for the starting of the works to be equipped with a Certificate/Authorisation before the starting of the works.</p> <p>d) Amendments to the <i>DCM No. 416 and DCM No. 268 dated 06.04.2016 regarding NWA.</i></p>	<p>MoJ/IPRO</p> <p>MoC/NCA/NCR</p> <p>MIE</p> <p>MIE/NWA</p>	<p>Mid term</p>
	<p>Recommendation 6. To facilitate the foreseen procedures and deadlines in the e-permits platform for farmers/collectors/exporters which desire to build light constructions for storing agricultural products and medicinal plants which do not have an impact on the environment.</p> <p>Legal amendments in DCM No.408 date 13.05.2015 and other sub-legal acts.</p>	<p>TDA/MARD</p>	<p>Mid term</p>

	<p>Recommendation 7. Unification of the tariff for the application of construction permits in the e-Permits platform.</p> <p>a) Legal amendments to the DCM No.408 which should make reference to Law No. 9632 dated 30.10.2006 “On the Local Taxes System” (amended).</p> <p>b) Review of the deadlines and interest rate for paying the infrastructure tax in the Municipality of Tirana.</p>	<p>MFE</p> <p>MT</p>	<p>Mid term</p>
<p>II.</p> <p>INSTITUTIONAL COORDINATION</p>	<p>Recommendation 8. Preliminary declaration should not be considered as application for the approval of the permit. For the works carried out with Preliminary Declaration, it is suggested as not necessary the prior approval/authorisation from municipalities.</p> <p>Reconfiguration of the e-Permits platform for the category Preliminary Declarations in compliance with the legal provisions of the Law No.107/2014.</p>	<p>TDA</p>	<p>Short term</p>
	<p>Recommendation 9. Completion within a deadline of not more than 3 months of the electronic <i>database</i> from NEA, IMC and NWA.</p> <p>Implementation of the paragraph 6 of the Order No. 143 dated 03.11.2015 of the Prime Minister and making then available to TDA.</p>	<p>TDA</p> <p>NEA</p> <p>ICM</p> <p>NWA</p>	<p>Short term</p>
	<p>Recommendation 10. Re-categorise the constructions for which it is necessary environmental permit based on the risk analysis and environmental impact.</p> <p>For the residential constructions or other constructions without an impact to the environment should not be required an Environmental Permit when Municipalities have approved environmental strategic plans for their territories.</p>	<p>MTE/TDA</p>	<p>Short term</p>

	<p>Recommendation 11. Raising of the awareness in the decision-making for applications through the platform enabling structured hearing sessions with the applicant according to the provisions of the Administrative Procedures Code.</p>	Municipalities	Ongoing
	<p>Rekomandim 12. Preparation by the municipalities of simple explanatory manuals also in accordance to the typology of the services provided in the e-Permits platform.</p> <p><i>Automating of the procedures among the directories and institutions dependent from the municipalities and digitalisation of the information reducing the administrative burden to the business.</i></p>	Municipalities	Ongoing
	<p>Recommendation 13. Digitalisation of the registry of permits/licenses/authorisations issued by the Ministry of Urban Development/MIE. Interconnection of the e-Permits platform with the electronic registry of the MUD and NBC.</p>	MIE	Short term
	<p>Recommendation 14. Continuous training and qualification of the human resources which are directly involved in the approval procedures of the construction permits via e-Permits platform. Consolidation of dedicated structures only for this process.</p>	TDA/MIE/ Municipality/AKSHI	Ongoing
<p>III. TECHNICAL ASPECTS</p>	<p>Recommendation 15. To consider the possibility of inclusion within a 6-month period by the Municipality of Tirana of the GIS cadastre in the e-permits platform.</p>	MT	Mid term
	<p>Rekomandim 16. Discussion at technical level by TDA, NAIS, Municipalities and users of the following possible technical improvements:</p> <p><i>a) The structure of the e-permits platform to enable involved parties in an application procedure, to see the exchanged responses thus raising the transparency offered until to date.</i></p> <p><i>b) Increase the technical capacities of the platform to shorten the time and enable the submission of application documents also in other format apart from pdf. Any amendment in the structure of the e-Permits</i></p>	TDA/AKSHI/ Municipality	Short term

	<p>platform should be communicate in advance to its users through pop-up notifications in the account of the user and/or by e-mail.</p> <p>c) To make it possible to add in the platform the number of developers since the law itself recognises the possibility to have some developers.</p>		
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	OTHER SUGGESTIONS	ENTITY
1.	<p>Preparing of a usage manual for each municipality for the interpretation of the general local plans, which have been approved in their entirety but are not clear. This usage manual may include the following elements:</p> <ul style="list-style-type: none"> ○ Returning of the negative reply, when a certain documentation is missing. In this case, we do not think that a negative reply should be provided, but additional documentation is required. ○ In this manual we propose to set out exactly the criteria for obtaining a building permit for the floor supplement. So far, the criteria vary from one municipality to another. ○ In the platform we think we need to add a few more points, such as: notary declarations for the type of work, insurance policies for professional licenses. ○ In the manual, the criteria for work without building permits should be clearly explained. In cases when the response is generated by the system after the response time has elapsed, its approval should be generated and signed and stamped, taking into account the fact that the municipal police do not allow those permissions that have been generated by the system after the deadline. ○ We think speeding of uploading documentation to the application should be speeded up because the speed is really low and there are times when hours need to load a document. ○ The return of the response should be immediate. ○ We also propose the creation of the opportunity for a better connection of the E-permits with mobile phones, where possible with a simple notice and an instantaneous answer. ○ We propose to notify through the application also requests for renewal of licenses in the new format. 	<p>UNION CHAMBER OF COMMERCE AND INDUSTRY OF ALBANIA</p>

2.	<p>Suggestions on financial aspects</p> <ul style="list-style-type: none"> ○ Unification of tariffs at national level for infrastructure or urbanization taxes, as they vary from one municipality to another. ○ We propose the average of the application fee to 0.1% of the value of investment across the country. 	<p>UNION CHAMBER OF COMMERCE AND INDUSTRY OF ALBANIA</p>
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Matrix of Recommendations *On the Functioning of the E-Permits Platform (The Matrix)* is the outcome of the Technical Note drafted by the Investment Council Secretariat. The purpose of the Matrix is to provide a summary of the proposed Recommendations and Solutions. Besides, the Matrix serves as the Secretariat's Internal Monitoring Plan so that it follows up on the implementation of Recommendations as per the following terms:

- **Short-term**- from 1 month to 6 months.
 - **Long-term** - over 1 year.
- Mid-term** – from 6 months to 1 year
Ongoing

ABBREVIATIONS:

TDA- Territory Development Agency
MIE-Ministry of Infrastructure and Energy
CoM-Council of Ministers
MoJ- Ministry of Justice
NWA-National Water Agency

IPRO-Imovable Property Registration Office
MoC-Ministry of Culture
NCA-National Council Archaeology
NCR-National Council of Restauration
MTE-Ministry of Tourism and Environment

MARD- Ministry of Agriculture, Rural Development
MFE-Ministry of Finance and Economy
NEA-National Environment Agency
ICM-Institut iof Cultural Monuments
MT-Municipality of Tirana