

Project Fiche – IPA National programmes / Component I

1 IDENTIFICATION

Project Title	Support to the implementation of the Strategy for Property Rights 2013-2020
CRIS Decision number	2013 / 024-190
Project no.	01
MIPD Sector Code	Justice and Home Affairs
ELARG Statistical code	01.23 - Judiciary and fundamental rights
DAC Sector code	15160 – Human rights
Total cost (VAT excluded) ¹	EUR 1 050 000
EU contribution	EUR 1 000 000
Management mode	Centralised
EU Delegation in charge	EU Delegation to Albania
Implementation management	Ministry of Justice General Directory of Supporting Services and Integration Directory of European Integration and Projects Mr. Arben Gjalpi, General Director (SPO) Phone: ++355 4 2259388/ 71158 Fax: ++355 4 234560 Email: arben.gjalpi@justice.gov.al
Implementing modality	Stand-alone project
Project implementation type	One service contract
Zone benefiting from the action(s)	Albania

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

The project aims at consolidating the rule of law, able to guarantee property rights, even in practice, as fundamental rights, provided through a regulated and harmonized system of immovable properties, which offers clear and secure property titles for everyone in light and compliance with the Decision no 405, date 27.06.2012 of the Council of Ministers “The reforms in the Property rights 2012-2020” and its action plan.

¹ The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

The approved Governmental Strategy for Property Rights 2013-2020 has brought significant progress because of the political support in order to improve the current situation by meeting constitutional requirements and those of public international law. To this end the Directorate of Coordination of Property Issues has been established since January 2012 within the Ministry of Justice, to harmonize and initiate the proposals for property legislation and regulations. The Directory is in charge for the implementation of strategy and is acquiring the required information by the state institutions and agencies on the performance and products for the fulfilments of the Strategic goals proclaimed in the Strategy. Despite the progress achieved so far, the real challenge stands to the fact of the Strategy to be successfully implemented and in a harmonised way. This project will contribute in setting-up an institutional mechanism for the monitoring of the Strategy, which will facilitate the coordination of all the existing assistance projects, ensuring exchange of information and avoiding possible overlapping.

This project will contribute to strengthen the property rights system, through enforcement of court decisions on property rights according to the European standards and best practices in the field. The reform of property rights will contribute to the increase of Albanian and foreign investments in the sector.

2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES

According to the **MIPD 2011-13**, the sector of Justice and Home Affairs is one of the most important areas where Albania needs to improve according to the 2010 Opinion. Furthermore, this is an area where other stakeholders like Member States, European Parliament and other Donors want to see progress. Finally, improvements in the Property field will have a positive effect on many other sectors. One of the core tasks of this Sector is to guarantee human rights, where among others the property right is deemed as fundamental. A consolidated Property Rights System ensures economic and land market development, promotes foreign investment, strengthens the citizens' confidence in democracy and gives direct impact in the backlog of courts. Therefore, the Property Rights System should be in line with the best European practices and officials working in the System should be trained accordingly in order to achieve a sustainable increase in the level of trust by the citizens and foreign investors.

According to the **National Plan for the Implementation of the EU-Albania Stabilisation and Association Agreement**, 1.1.5/Judicial System, in the political objective, the Albanian Government is fully committed to implement the breadth and depth of reforms in the justice system, suggested and supported by international partners, in collaboration with other institutions involved in the constitutional reforms and performance of the justice system and in accordance with the commitments and obligations arising from the implementation of the Stabilisation and Association Agreement (Article 1,2,13,70 and 78 of the SAA). Regarding the paragraph 1.3 The Immovable Property Market, the Albanian Government is fully committed to complete and consolidate the system of property rights in general, and of ownership of immovable properties in particular.

The **National Strategy for Development and Integration** points out also the necessity to improve the justice system, particularly by guaranteeing the Property Rights, as one of the main human rights in a democratic state based on the rule of law. The National Strategy for Development and Integration clearly states that one of the intentions of the Albanian government is to “orient the Property sector towards the best European practices”, by guaranteeing property rights, even in practice, as one of the fundamental human rights, provided through a regulated and harmonized system of immovable properties, which offers clear and secure property titles for everyone.

National Sector Strategy on Property Right 2013-2020 aims at guaranteeing the protection of such rights and securing the legal certainty as prerequisites for the prosperity of the country, foreign investments and adherence with full rights to European Union. This Strategy document is based in the existing policies of the Albanian Government such as National Strategy for Development and Integration 2007-2013, National Plan for implementation of association and stabilization agreement.

The strategy document key policies on property rights aim to create fair and transparent legal procedures in order to consolidate ownership and development of property rights to safeguard the rule of law. In concrete terms, the improvement and consolidation of property rights will be accomplished by realization of the strategic goals comprised of:

- i) 100% completion of the national systematic initial registration in 2013, the creation of a public registry of real estate to consolidate and improve the functions of IPRO.
- ii) 100% completion of the interim national level processes; recognition of ownership of the expropriated subjects within 2014; houses release of former owners in 2012; legalization of informal settlements by 2013, as well as verification of property title ownership within 2013;
- iii) Creating a uniquely effective compensation scheme in 2013 and the beginning of its implementation based on a consolidated physical and financial fund reform expropriated subjects through real estate assessment methodology according to market value and in process inventory of the state properties.
- iv) Strengthening the system of property rights and their protection to the execution phase of the ECHR standards in accordance with among Justice Sector Strategy, in order to increase security on property acquired by law and investments, as well as land market dynamism 2020;
- v) Modernization and improvement of information by digitizing 100% of the systems that have real estate information, including maps, by the standards of INSPIRE Directive, in order to benefit from National Infrastructure of Geospatial Data capacities until 2020.

2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT

As stated in the **2010 EC Analytical Report, Political Criteria, 1.2. Human Rights and protection of minorities status** (page 31): “the situation in Albania has reached a level of complexity which in some cases puts the principle of respect for human rights into question. Chronically unresolved disputes and legal uncertainty over title to land hinder economic and land market development, hamper foreign investment, undermine citizens’ confidence in democracy and tie up courts. Albania needs to tackle the manifold problems in the ailing immovable property sector as a matter of urgency. These problems require a comprehensive approach and strong political support in order to improve the current situation by meeting constitutional requirements and those of public international law, and balancing interests and needs of different interest groups in society aimed at preventing conflicts and social unrest in the long run. Clear property titles and legal certainty are essential prerequisites for prosperous development of the country and attracting foreign investment.”

Also the **Progress Report 2012**, states that: “Efficient coordination and monitoring is necessary to ensure the implementation of the strategy and consistency between legislation in force and future initiatives. Consultations with stakeholders need to continue in this respect. The first registration of properties has not yet been completed. Compensation and restitution claims by former owners are met at a very slow rate.” “The strategy aims to complete initial registration and consolidate an electronic public register for properties, complete the processes of restitution, compensation and legalization, create an efficient compensation scheme and a physical and financial fund for people whose property has been expropriated, contribute to fighting corruption in the sector, and modernize the information system on property rights. Legislation in force and future initiatives in this sector has to be fully coordinated with the objectives of the strategy. Territorial planning, institutional coordination and interrelations, and the setting up of efficient monitoring and implementation structures remain significant challenges in this respect. Broader consultations of stakeholders accompanied with determined action are needed to ensure sustainability in the implementation of the strategy.”

“The land registry has not yet been completed and land and property databases remain under the control of different agencies without sufficient coordination. Initial registration of immovable property needs to be completed to create certainty of ownership. Legal impediments must be removed to facilitate registration, giving owners clear and undisputed title to property. Compensation and restitution claims by former owners for property confiscated during the communist regime are met at a very slow rate.”

“The process of initial registration of immovable property has not yet been completed. Delays in application and non-compliance with judgments of the European Court of Human Rights (ECtHR), particularly in relation to property rights and the right to a fair trial, continue to be an issue of concern. Overall, the lack of secure property rights and the weak institutions remain causes for concern and further efforts are required to address these issues.”

“Weaknesses remain in the rule of law, particularly in contract enforcement and property rights. Overall, although some progress was made on establishing a functioning market economy, Albania needs to consolidate its public finances and reduce the relatively high public debt,

further bolster governance, enhance labour market performance, provide protection for property rights and strengthen the rule of law.”

2.4 PROBLEM ANALYSIS

Property rights have gone through a dynamic process encompassing massive legislative and institutional changes, thus highlighting the need for establishing an appropriate equilibrium between individual rights as opposed to collective rights. The Assembly of Albania has approved a series of laws pertaining to property ownership. There were a series of legal initiatives aimed at a fast and efficient administrative process, a unified methodology, transparency, decentralization, accountability in the course of the process and due legal process through guaranteeing the appropriate standards.

There are at least 16 separate laws regulating various sectors of property ownership, establishing state bodies for sector supervision and determining specific procedures. These laws have been continuously amended and revised². The frequent legislative amendments have resulted in non-unified administrative and judicial practices.

Albania has currently more than 8 institutions³ functioning with regard to property titles, under the authority of different responsible ministries, the activity of which is regulated by various pieces of legislation. These agencies/offices deal in a fragmented way with issues related to land ownership and property titles.

The high number of state agencies and numerous legal and regulatory acts result in overlapping of processes pertaining to property titles. These factors have an impact also on the enforcement of final decisions and result in ambiguity concerning effective complaint remedies in the event of non-enforcement of final decisions. The technical infrastructure and human resources need further improvement. The state agencies and courts are, in connection with cases bearing a connection to property titles, perceived to be affected by corruption.

As of the adoption of the Governmental Strategy for Property Rights 2013-2020, a Directorate for Coordination of Property Matters has been created within the Ministry of Justice with the aim of coordinating the activities of all state institutions involved in property issues in order to improve the process of recognition, restitution and compensation of properties, registration of property titles, as well as analysing and improving legislation currently in force. However, this directorate needs support to fully accomplish its mission.

Albania is clearly subject to the legal obligation under Article 46 of the European Convention on Human Rights (ECHR) to make arrangements for enforcing domestic final decisions for restitution or compensation of expropriated persons and for ensuring an effective remedy in the

² As illustration, Law No 7501/1991 "On land" has, during 1991-2008, been amended more than 5 times

³ The Agency of Restitution and Compensation of Property for expropriated persons, Immovable Property Registration Office for the registration of properties (IPRO), judicial Bailiff's Office for the enforcement of decisions, Agency of Legalisation, Urbanisation and Integration of Informal Zones for the legalisation of informal buildings, State Advocacy for the protection of the property related interests of the state and representation before ECHR, Agency of Inventory and Transfer of State-owned Immovable Properties, Land Governmental Commission about the Validity of Property Titles and National Housing Entity for social residences.

event of non-enforcement of these decisions. Enforcement of the existing final decisions is an urgent priority in order to comply with recent case laws of the ECHR.

In regard to restitution and compensation, apart from review and simplification of procedures, policies must be formulated first and decisions must be taken as to who and how much will be compensated based on empirical data collected. For informed policy decisions, the Property Restitution and Compensation Agency should determine the number of expropriated subjects, including those who already have decisions from the Agency and who have not received restitution, compensation, or disqualifying payment from another property-related legal process.

As a general principle, the implementation of the strategy will be achieved in accordance with the constitutional principles of legal certainty, public interest, just satisfaction, fairness and equality, in compliance with the democratic standards foreseen in the Constitution and in the European Convention for Human Rights. In concrete terms, the strategy will be translated into a set of harmonized and coordinated policies aimed at providing security and clarity of property titles. The main pillars will be the digitalization of available information on property titles, accuracy of legal actions and decisions that will be taken by executive state agencies and courts, inter-institutional coordination with separate roles and responsibilities, facilitation of administrative and judicial procedures, decentralization of competences and respect for territorial planning, review of legislation and continuous monitoring of law enforcement.

The progressive implementation of the strategy will be continuously subject to a consultation process, including not only state institutions but also international partners and interest groups.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

This project is the first one of its kind focused on support to the implementation of the property rights strategy. There are some other projects provided under the CARDS, IPA and other international donor programmes to the Justice System and its institutions in Albania, as described below. It is important to note that this project will be complemented and coordinated with the existing ones, which were evaluated to be not enough in handling the challenges and activities in the property rights' field due to the fact that the existing projects were approved/accepted by the Government before to the adoption of the Strategy. This Strategy itself declares that the existing projects are not enough in handling the challenges and activities identified as most of them have been focused on first registration system and technology improvements, while at current time legislative and institutional reform on property right is needed. Most of the recent projects dealing with property issues are as follows.

Land Administration and Management (LAMP) - Component A (22/02/2007 -30/6/2013, after the amendment of the initial funding agreement), is supported by the World Bank. It aims the strengthening of security of property, improvement of urban planning, control and management of land development through digitalization of data administered in the immovable property registration office. The total amount of Component A of LAMP project is USD 20.5 million and the main achievements for that are the computerised Registration System ALBSReP has been installed in 3 Local IPRO out of 10 that is the final objective, the level of Client

Satisfaction for services provided by IPRO is increased from “Poor” to “Average” and the number of completed registered properties in urban zones is 77,294.

European Community CARDS 2005 - Creation of GNSS ALBPOS Network (22/10/2008-22/06/2011). The project created a national coordination system standardized through 16 local stations. The total amount of investment in this project is €1,161,000. ALBPOS system was set-up by a consortium including IPRO (Immovable Property Registration Office), AGMI (Albanian Geographic Military Institute), Polytechnic University of Tirana, Civil Engineering Faculty and Institute of Geosciences.

European Union and OSCE (+ Donation of the Greek, Swiss and Czech government) – (October 2010 – 31/12/2012) **Registration of immovable properties and road signage in the coastal areas**, implemented by OSCE, This process links three main processes of property reform in Albania: systematic first registration of immovable property, restitution – compensation and legalization. The total amount of investment in this project is EUR 1 686 000, 1.5 million European Union and OSCE (+ Donation of the Greek, Swiss and Czech governments.) Registration of immovable properties and road signalization in the coastal areas, signed by the memorandum of understanding on 03.04.2009 and implementation of the contract with OSCE, October 2010 and expected to be completed on 31.12.2011, but it was extended by EUD for another 13 months.

OSCE: Technical assistance to the Agency for Property Restitution and Compensation (the project ends on 30 December 2012). The aim of the project was the improvement of the infrastructure of information technology and capacities for data management. OSCE presence has contracted an expert to review the information of the IT system for PRCA in order to provide recommendations for the improvement of the system including even the introduction of a GIS through the provision of a document with recommendations. IT equipment may be provided following the presentation of the first draft of the assessment. The total amount for this project is EUR 10,000. Beneficiary: Ministry of Justice and subordinate agencies (APRC and IPRO).

FAO project & USD - Pilot project for consolidation of agricultural land in the commune of Tërbufi. The total amount for that FAO project USD 300 thousand.

World Bank - Natural Resources Development Projects (NRDP) Component A – Management and governance of communal forests and pastures (09.06.2005 - 30.10.2011). Through the Trust Fund –Sweden it has been approved an additional fund of USD 3.0 million USD active for the 2012 - 2013 period in order to draft other plans for management and drafting of the new project – Project of environmental services, whose beneficiary is the Ministry of Environment. In the framework of improvement of management of communal forests and pastures it is planned the preparation of 225 plans of management which aim at strengthening the security of property through digitalization of all the administered data and their registration in the immovable property registration office. The total amount for that project is USD 19.4 million Budget (USD 5.0 million), Contribution of communities USD 2.2 million World Bank (IBRD/IDA) USD 7.0 million, Co-funding of the Swedish government USD 5.2 million.

Project of environmental services in forests/Component – National inventory of the forests and pastures fund (2014 – 2015). It aims specification of the surface area for the forest and pastures fund and registration in the cadastre (IPRO) according to the digital format (GIS). The total foreseen for the component: USD 1.6 million, foreign funds.

USAID: Planning and Local Governance Project. Provide assistance to the National Territorial Planning Agency to develop a conceptual framework for the National Territorial Plan in accordance with the Territorial Planning Law and implementing regulations. The total amount for this project is 10 million. The aim of the project is to provide assistance to the National Territorial Planning Agency to develop a conceptual framework for the National Territorial Plan in accordance with the Territorial Planning Law and implementing regulations.

2.6 LESSONS LEARNED

There have been several unsuccessful attempts since 2003, supported by international donors such as WB and OSCE, to complete the first registration of properties in Albania. The main reasons for the lack of success have been the following: lack of a strategic document on a comprehensive approach and based upon a strong political will; lack of adequate human and financial resources; poor coordination and cooperation among stakeholders and agencies involved. The project fully takes into account these lessons learnt and aims at putting in place a coordinated approach for the successful implementation of the Government Strategy on Property Rights 2013-2020.

3. DESCRIPTION

3.1 OVERALL OBJECTIVE OF THE PROJECT

Contribute to the establishment of an effective, efficient, transparent and sustainable immovable property rights system.

3.2 SPECIFIC OBJECTIVE(S) OF THE PROJECT

Support to the implementation of the National Sector Strategy on Property Rights 2013-2020 through the set-up of a functional legal and institutional framework. In concrete terms, the improvement and consolidation of property rights will be accomplished by realisation of the strategic goals comprised of:

1. 100% completion of first registration
strategic goal 1 of the Government's Property Strategy and all its sub-activities, to be completed within 2013;
2. 100% recognition of expropriated subjects by the former communist regime within 2014
strategic goal 2, specific objective 2.1.2 to be completed 6 months after approval of the strategy;
 - 2.1. evict houses of former owners within 2012
specific objective 2.2 – This will require social housing for evicted families;

- 2.2 legalisation of informal settlements within 2013
specific objective 2.3;
- 2.3 review of validity of agricultural land titles
specific objective 2.4;
- 3. Creating an effective compensation scheme by 2013
strategic goal 3;
- 4. Execution of decisions according to ECtHR standards
specific objective 3.1.1;
- 5. Digitalisation of systems that contain immovable property information
strategic goal 5.

This project will undertake a deep analysis of the Action Plan for the sector and define, sequence and programme the activities to be undertaken to meet the strategic objectives outlined above in a coherent manner and within realistic timescales.

3.3 RESULTS

- 1.1 Legislation reviewed and redesigned in accordance with EU standards
- 1.2. Recommendations and support for improvement of institutional capacities necessary to meet the strategic objectives outlined in the previous paragraph
- 1.3 Recommendations for streamlining the present administrative structures in the sector
- 1.4 Action plan reviewed and refined to agree and finalise sequencing, coherence and donor coordination

3.4 MAIN ACTIVITIES

Activities in relation to results 1.1; 1.2; 1.3 and 1.4 achieved by means of a service contract

Sub-activity 1.1: Review of property rights legislation and procedures

- Conducting an in-depth analysis of legislation on property rights and its internal technical and legal harmonization with existing EU standards. Production of legal gap analysis in order to make the existing legislation fully compliant with the 'acquis communautaire.'
- Determination of the total liability of the Albanian Government in respect of property restitution and compensation in line with currently stated policy of compensation at full current market value
- Assessment prepared to define, sequence and programme activities to be undertaken in the sector with the technical support available from the donor community and cross-referencing with the National Sector Strategy on Property Rights 2013-2020

Sub-activity 1.2.: Improving the capacities of the institutional mechanism in charge of implementing the Governmental Strategy on Property Rights:

- Support to develop programmes, techno-legal analyses, and studies for the necessary legal and executive steps to protect property rights, and to improve coherence and good governance;
- Technical assistance for the preparation of recommendations for legal and organisational steps for issues related to property rights
- Analysis of the fields of possible supplementary expertise required for institutional review and capacity assessment in line ministries working in the sector

Sub-activity 1.3: Strengthen the functioning of the Property Rights system in Albania

- Technical analysis of functions, structures and efficiency of the governmental agencies operating in the sector of property rights and involved in the Inter-institutional Working group;
- Technical assistance to design a pilot study to involve structures working on property rights and municipal authorities in the property registration process.

Sub-activity 1.4: Action plan reviewed and refined to agree and finalise sequencing, coherence and donor coordination

- Analysis of key strategic objectives to be achieved under the National Strategy
- Regular consultations with Property Sector Working Group (PSWG) to finalise logical sequencing of activities and programming of budgetary resources with international donor community
- Finalisation of Action Plan and timetable to meet strategic goals and specific objectives outlined in paragraph 3.2

3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)

The project will support the successful implementation of the Property Strategy by reviewing the current structures of state institutions and courts dealing with property rights. One of the expected outstanding results is recommendations for the improvement of the coordination process and exchange of information among stakeholders in charge of coordinating and monitoring the implementation of the Strategy.

In concrete terms, the project will assist in data collection (i.e. statistics on registration of immovable properties with clear title, the number of expropriated individuals to receive restitution and compensation etc). It will also produce a legal gap analysis which will ultimately lead to improved legislation in line with EU standards.

3.6 SUSTAINABILITY

The Government of Albania has already expressed its will through approving the Property Strategy, which was drafted by the Ministry of Justice in cooperation with relevant stakeholders. This means that there is political will, which is strengthened by the impact of the EU Progress Reports on Albania, where property issues are defined as a key priority. The existence of a

Property Strategy demonstrates the political will due to two reasons: (i) This document is approved by the Council of Ministers; (ii) This document is widely consulted and accepted.

In concrete terms, the Institutional Mechanism which monitors the implementation of the Property strategy is headed by Ministry of Justice and is composed from different representatives of stakeholders (Ministry of Justice, Ministry of Finance, Ministry of Agriculture, Ministry of Economic Development, Ministry of Environment, Ministry of Transport, Ministry of Interior, Ministry of Social Welfare, Ministry of Innovation, GCL, AITPP, DEBASKON, CIPRO, PRCA, ALUIZNI, State Advocate). Each structure of the monitoring mechanism will organize regular meetings for the collection of information on the activities to be performed by each institution, their phase of development, results achieved and where appropriate, identification of practical problems, aimed at developing a resolution. One of the effective instruments to be used is the annual monitoring report which contains data based on results and which is submitted to the Department of Strategic Coordination and Foreign Aid Coordination in the Council of Ministers. Thus, this project will be the focus of this Institutional Mechanism.

3.7 ASSUMPTIONS AND PRE-CONDITIONS⁴

- The beneficiary maintains its stated commitment to fulfil its obligations under the international agreements and conventions (of which it takes part), respect the judiciary and other justice system institutions independence and help their functioning compliant with human rights and the rule of law.
- The beneficiary maintains its stated commitment to respect property rights.
- Co-financing ensured.

4 IMPLEMENTATION ISSUES

The project will be implemented via a service contract under centralised management by the EU Delegation to Albania.

A co-financing of 5 % will be provided by the beneficiary institution according to the work plan that will be jointly prepared with the EU Delegation and the contractor. The co-financing, which will cover some of the activities of the project, upon the agreement with the EU Delegation and the contractor, will be in addition to the contribution in kind (office space, facilities, ect.).

4.1 INDICATIVE BUDGET

⁴ Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as risks or assumptions but the Commission requires that all risks shall be expressed as assumptions. Pre-conditions are requirements that must be met before the sector support can start.

Indicative Project budget (amounts in EUR) (for centralised management)

PROJECT TITLE			TOTAL EXPENDITURE	SOURCES OF FUNDING								
				IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)	
Activity 1												
contract 1.1	X		1.000.000	95							-	
contract 1.2 (national contribution)	X				50.000	5	50.000					
TOTAL IB												
TOTAL INV												
TOTAL PROJECT			1.050.000	1.000.000	95	50.000	5	50.000				

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

- (1) In the Activity row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Total** Expenditure (column (a))

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Service contract 1.1	Q1 2014	Q3 2014	Q1 2016

4.3 CROSS CUTTING ISSUES

4.3.1 Equal Opportunities and non-discrimination

The principle of equal opportunity will be observed into all stages of the project implementation which is also in conformity with the Albanian Constitution which provides for equal opportunity for men and women to be treated equally regardless of their race, nationality, gender, origin, religious and political beliefs. Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. Both women and men have identical prospects. The applications shall be evaluated objectively and non-discriminatively. Appropriate professional qualifications and experience will be the main factors of personnel recruitment and evaluation. The applications shall be evaluated objectively and non-discriminatively. All periodical progress review reports and other interim reports will include a specific explanation on measures and policies taken with respect to participation of women and equal opportunity for women and men and will provide measurements of achievement of this goal.

4.3.2 Environment and climate change

N/A

4.3.3 Minorities and vulnerable groups

During the implementation of the project the respect for minority rights will be guaranteed.

The proposed project will, as far as is practicable, take the required steps to ensure that the internal policies, structure or operating procedures of the beneficiary will be conform with minorities promotion policies.

4.3.4 Civil Society/Stakeholders involvement

The Albanian government designed an Action Plan to address the 12 key priorities indicated in the EC Opinion on Albania's application for membership to the European Union. The revision of the Action Plan was the product of a process in consultation with the parliamentary opposition and civil society, and in full transparency to ensure that broad public interests are duly represented. All line ministries drafted the revised Action Plan for priorities 6-12; working groups established for each priority included civil society representatives. Justice sector has three very important priorities 7, 10 and 12.

ANNEXES

Documents to be annexed to the Project fiche

- 1. Log frame**
- 2. Description of Institutional Framework**
- 3. Reference list of relevant laws and regulations only where relevant**
- 4. Details per EU funded contract(*) where applicable**
- 5. Project visibility activities**

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Project title and number	Support to the implementation of the Justice Reform Strategy	
	Contracting period expires: no later than three years from the date of conclusion of Financial Agreement	Execution period expires: the contracts must be executed within a maximum of two years from the end date of contracting	
	Total budget	€ 1.05 Million Euro	
	IPA budget:	€ 1 Million Euro	
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification	
Contribute to the establishment of an effective, efficient, transparent and sustainable immovable property rights system.	<ul style="list-style-type: none"> Positive assessment by EU and SAA committee 	Progress report	
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
Support to the implementation of the Government's Strategy on Property Rights through the establishment of the legal and institutional framework.	<ul style="list-style-type: none"> Number of properties registered with clear title. Statistics on cases due for restitution and compensation under current law Assessment of GoA's total liability for restitution and compensation 	<ul style="list-style-type: none"> MoJ statistics IPRO statistics PRCA statistics 	Continued commitment of the Government of Albania to the Justice Reform Agenda
Results	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
1.1 Legislation reviewed and redesigned in accordance with EU standards, referring to the obligations under the Annual Legislative Planning and the NPISAA.	<ul style="list-style-type: none"> Number of laws and regulations developed and improved based upon European standards, legal due process and other jurisdiction examples 	<ul style="list-style-type: none"> Data from property institutions and other relevant donor projects Legal gap analysis 	Continued commitment of the Government of Albania to the Justice Reform Agenda
1.2 Recommendations for improvement of institutional capacities necessary to meet the strategic objectives outlined in the National Property Strategy	<ul style="list-style-type: none"> Identification of institutional capacities to be improved 	<ul style="list-style-type: none"> Analysis of capacities of GoA institutions to meet the strategic objectives 	Sufficient funds under the National Budget for the implementation of the Overall Strategy
1.3 Recommendations for streamlining the present administrative structures in the sector	<ul style="list-style-type: none"> Identification of administrative operations to be improved 	<ul style="list-style-type: none"> Analysis of capacities of GoA institutions to deliver the required services 	Willingness and active participation of all project stakeholders

<p>1.4 Action plan reviewed and refined to finalise sequencing, coherence and donor coordination</p>	<ul style="list-style-type: none"> Sequencing and donor programming agreed by Property Sector Working Group 	<p>- Key strategic objectives to be achieved under the National Strategy</p> <p>- Consultations with Property Sector Working Group (PSWG)</p>	
Activities to achieve results	Means / contracts	Costs	Assumptions
<p><i>Sub-activity 1.1: Review of property rights legislation and procedures</i></p> <ul style="list-style-type: none"> Conducting an in-depth analysis of legislation on property rights and its internal technical and legal harmonization with existing EU standards. Production of legal gap analysis in order to make the existing legislation fully compliant with the 'acquis communautaire.' Determination of the total liability of the Albanian Government in respect of property restitution and compensation in line with currently stated policy of compensation at full current market value; Assessment prepared to define, sequence and programme activities to be undertaken in the sector with the technical support available from the donor community and cross-referencing with the National Sector Strategy on Property Rights 2013-2020 <p><i>Sub-activity 1.2.: Improving the capacities of the institutional mechanism in charge of monitoring the Governmental Strategy on Property Rights:</i></p> <ul style="list-style-type: none"> Support to develop programmes, techno-legal analyses, and studies for the necessary legal and executive steps to protect property rights, and to improve coherence and good governance; Technical assistance for the preparation of recommendations for legal and organisational steps for issues related to property rights; Analysis of the fields of possible 	<ul style="list-style-type: none"> Service contract 	<ul style="list-style-type: none"> € 1 Million Euro 	<ul style="list-style-type: none"> Co-financing ensured

<p>supplementary expertise required for institutional review and capacity assessment in line ministries working in the sector</p> <p><i>Sub-activity 1.3: Strengthen the functioning of the Property Rights system in Albania</i></p> <ul style="list-style-type: none"> • Technical analysis of functions, structures and efficiency of the governmental agencies operating in the sector of property rights and involved in the Inter-institutional Working group; • Technical assistance to design a pilot study to involve municipal authorities in the property registration process. 			
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ANNEX 2

Description of Institutional Framework

The Ministry of Justice

The Ministry of Justice operates according to the law no. 8678, dated 14.05.2001 "On the organization and functioning of the Ministry of Justice", as amended, which provides rules regarding the organization and its functioning. In accordance with the Constitution and other laws, the Ministry of Justice is responsible for developing policies and legislative drafting in the field of its responsibility, participate in the overall legislative drafting process at the governmental level, conduction of other necessary services related to the judicial system, international cooperation in civil and criminal justice and other areas of its competence according to the law.

The Ministry of Justice, in compliance with its organic law, supports, cooperates and coordinates its activity with the judicial power bodies and prosecutors' offices, while complying with the principle of separation of powers and independence of the judicial power and prosecutors' offices. The legislative process in the framework of justice reform is run by the Ministry of Justice in cooperation with professionals, academics, jurists, practitioners, judges and prosecutors who are remarkable in the justice system.

The MoJ, has drafted the Property Strategy, approved by the Council of Ministers Decision no. 405 dated 27.06. 2012, which aims to improve further the property system in Albania, provide better access to property rights, and strengthen public trust in the Albanian property system in the same line with the enhancement and further promotion of contribution of this sector in the development of the Albanian society and promotion and acceleration of the European integration.

This Strategy is based on the existing policies of the Albanian government oriented towards the National Strategy membership perspective in European Union. The Strategy analyses the issues identified in the property system and the issues raised during its consultative process. Moreover, this strategic document will contribute further, even beyond the property sector, as an effective tool in the hands of policy-makers and other stakeholders involved in processes related with the property system.

ANNEX 3

Reference list of relevant laws and regulations

Law No 8743, dated 22.02.2001 "On immovable properties of the state",

Law No 8810, dated 17.05.2001 "On defining the form and structure of the privatisation formulae of the anonymous company "Albtelecom";

Law No 9117, dated 24.07.2003 "On privatisation of the company "Armo" sh.a., Fier";

Law No 9232, dated 13.05.2004 "On social programs for the accommodation of the inhabitants of urban zones",

Law No 9235, dated 29.07.2004 "On restitution and compensation of property", as amended

Law no 9385, dated 04.05.2005 "On forestry and forestry service",

Law No 9482 of 3.04.2006 "On legalization, urban planning and integration of illegal buildings", amended

Law no 9583, dated 17.07.2006 "On restitution and compensation of properties"

Law No 9889, dated 20.03.2008 "On defining the form and structure of the privatisation formulae of the anonymous company "Operator of the Distribution System"

Law No. 9948, dated 7.7.2008, "On the consideration of legal validity of creation of property title for agricultural land", amended

Law No. 10119, dated 23.04.2009 "On Territorial Planning"

Law No 10186, dated 05.11.2009 "On regulation of ownership to state owned construction sites in zones with tourism priority";

Law No 10239/2010 "On the special fund of compensation"

Law No 10239, dated 25.02.2010 "On establishment of the special fund for compensation of properties"

Law No 10031 of 11.12. 2008 "On the private judicial enforcement service"

Law No 10316/2010 "On some amendments to the law on foreign investment",

Law No 33/2012 on Registration of Immovable Property

Law No 57/2012 "On Finalizing the Process of Transfer of Ownership of agricultural land of former state enterprises"

DCM No 88, dated 01.03.1993 "On approval of zones having tourism development as priority", as amended.

DCM No 500, dated 14.08.2001 "On the inventory of immovable state owned properties and their transfer to the local governance units"

DCM No 1561, dated 3.10.2008 "On approval of the cross-cutting strategy for the prevention and fight against corruption and for transparent governance 2008-2013"

DCM No 1190, dated 13.11.2009, "On Organizations and Functions of the NTPA"

DCM No 350, dated 29.04.2011, "On the approval of the action plan for resolving the problems of the property issues, identified in the Memorandum of the Committee of Ministers of the Council of Europe";

DCM No 411, dated 19.05.2010 "On criteria, procedures and type of form of legalization permit", amended

Decision of the Assembly No 183, dated 28.04.2005 "On the approval of the method for the evaluation of immovable property to be compensated and to serve as compensation".

Instruction No 6257, dated 02.09.2008 "On determining the subsidy extent for the families benefiting mild credits reimbursed by the state", of the Minister of Finance and Minister of Public Works and Transport;

Order of the Prime Minister No 110, dated 31.12.2011 "On the approval of the structure and organigramme of the Ministry of Justice",

ANNEX 4: Details per EU funded contract (*) where applicable:

One service contract managed by the EU Delegation.

ANNEX 5: Project visibility activities

Visibility activities will be according EU visibility requirements.