



**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

DECREE

NO. 1032, DATED 16.12. 2015

ON

**DOCUMENTATION OF AGREEMENTS BETWEEN STRATEGIC INVESTORS
AND OWNERS OF PRIVATE IMMOVABLE PROPERTIES**

Pursuant to Article 100 of the Constitution and point 1 of Article 28 of Law no. 55/2015, “On Strategic Investments in the Republic of Albania”, on the proposal of the Minister of Economic Development, Tourism, Trade and Entrepreneurship, the Council of Ministers

D E C I D E D:

I. INVESTORS’ AGREEMENTS WITH PRIVATE OWNERS

- 1.** The strategic investors who have been granted the status of “Strategic investment/investor, special procedure”, before requesting the expropriation of immovable properties affected by the strategic investment, shall have to carry out and document the procedures for reaching an agreement with the owners, pursuant to the provisions of this decree. To fulfill this obligation, the investors shall propose to private owners to sign a special agreement, offering them appropriate alternatives and/or compensating instruments.
- 2.** Alternative instruments offered by investors shall include, but not be limited to:
 - a) The possibility of temporary use of assets that are private property;
 - b) The possibility to use assets, which are private property, by means of contracts that do not provide for transfer of ownership, but which lay down the right of use or transfer, such as: leasing, servitude, emphyteusis, usufruct or similar contract.
- 3.** In cases where a strategic project cannot be executed without affecting the private immovable properties, its investor must provide the owners with a property purchase agreement, with appropriate consideration in exchange for it, equal to at least the financial compensation for expropriation purposes, or an alternative agreement which offers benefits of another nature that turn out to be acceptable to the owners.

4. In order to facilitate agreements with the private owners and to ensure the execution of the strategic projects, the Albanian Government may, where it has assumed specific commitments to participate in an investment and there are objective opportunities, offer appropriate re-housing to the owners affected by the project private immovable properties. The re-housing costs shall be calculated as part of the expenses and co-participation of the state in the investment.

II. PROCEDURES FOR SIGNING AN AGREEMENT WITH THE OWNERS

1. The investor shall identify the specific immovable property and the owners affected by the strategic investment, based on the data from the immovable property registration offices.

2. The investor shall contact directly the owners identified from the documentation of the Immovable Property Registration Offices, agreeing with them on the dates and appropriate procedures for conducting negotiations with them.

3. In cases where direct contact with the owners is impossible, the investor shall notify the owners through the publication in the print media and on television, for a period of 15 days, of a public notice that contains information on the strategic project, the cadastral data of the zone where the investment is going to be made, the contact data of the strategic investor, and data on the owners, based on the documentation of the Immovable Property Registration Office and the location, the date, and the hour of the special meeting with the owners. The public notice shall specify a date for the meeting with the owners, which may not be nearer than 15 days from the date of first publication of the notice. The owners have the right to propose to the investor alternative dates as may be appropriate to them and availabilities within a 15-day deadline from the date of being contacted or the date of the first public notice.

4. During the meetings with the owners, the investors shall provide them with the necessary information on the project and propose to them an agreement specifying the alternative instruments or appropriate compensation.

5. The investors shall arrange preliminary meetings and consultations to discuss the agreement terms and conditions with the owners. The time-limit for the completion of negotiations may not be less than 30 days from the date of the first meeting, and not more than 60 days in any case.

6. The meeting outcomes shall be recorded in the respective minutes, including the names of participants, the proposals, the discussions and whether an agreement was reached.

7. In order to reach agreement with the owners, the strategic investors have the right to request assistance and support from the Albanian Investment Development Agency in relation to:

- a) The collection of information from Immovable Property Registration Offices;
- b) The assistance by and presence of the Agency representatives in the preliminary consultations and meetings;
- c) The preliminary information on immovable property value.

The Agency shall support the strategic investors by providing them with the requested information and data through the inter-institutional assistance with the relevant bodies, and it may participate in the meetings between investors and owners.

8. The Agency shall monitor the investors' observance of procedures to reach an agreement with the owners, by checking the information and documents that investors submit in relation to this procedure.

9. Only in the cases where an investor has documented the completion of the procedures to reach agreements with the private immovable property owners, and no agreement with the owners has been achieved within a time-limit of 90 days from the first meeting, the expropriation may go ahead, in accordance with the procedures laid down under Albanian legislation on expropriations.

10. The Albanian Investment Development Agency shall be responsible for the implementation of this decree.

This decision shall become effective following its publication in the "Official Gazette".

P R I M E M I N I S T E R

EDI RAMA

**MINISTER OF ECONOMIC DEVELOPMENT, TOURISM, TRADE
AND ENTREPRENEURSHIPS**

ARBEN AHMETAJ