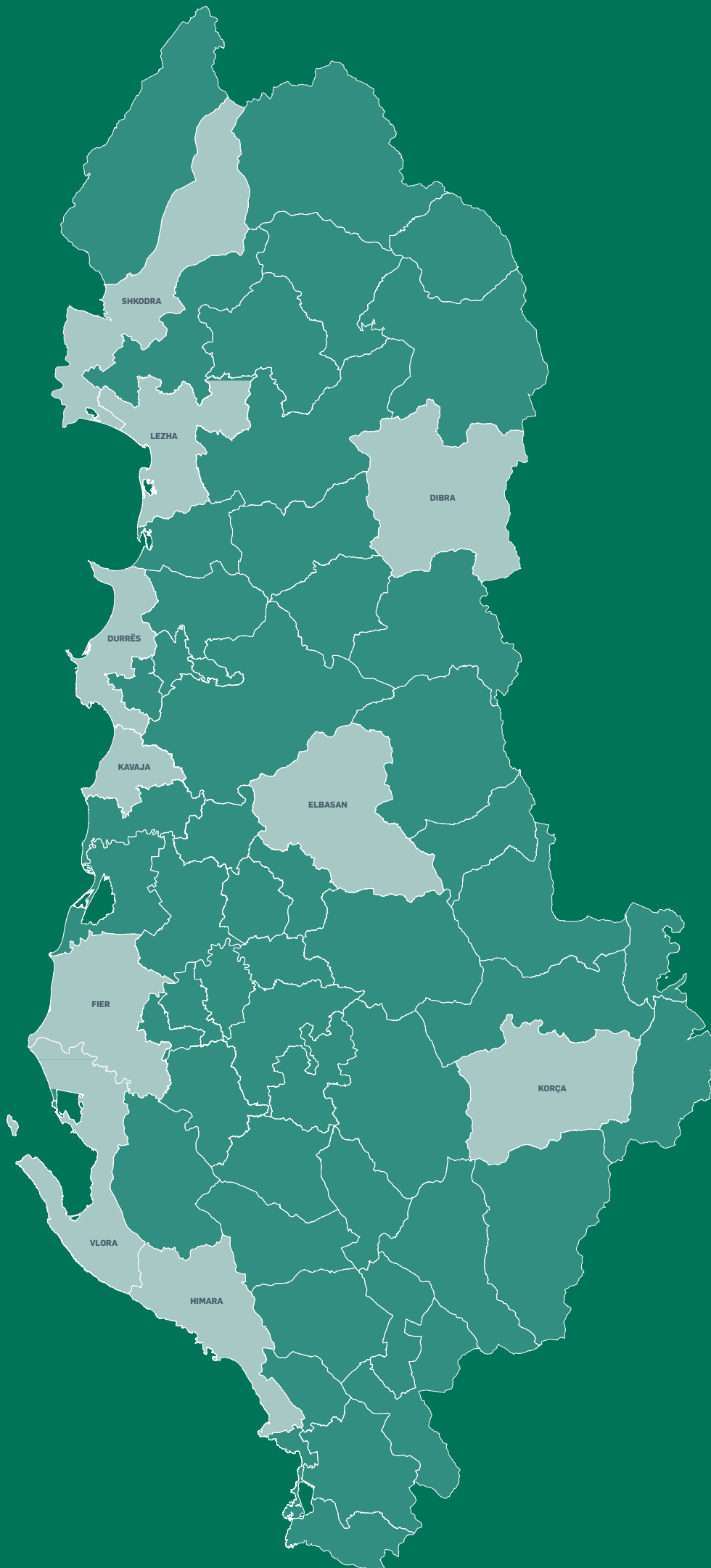


**MONITORING REPORT
ON THE IMPLEMENTATION
OF LEGAL OBLIGATION
OF TRANSPARENCY AND PUBLIC
CONSULTATION PROCESS
BY MUNICIPALITIES**



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INTRODUCTION

The '40 promises, 10 municipalities' project is supported by the National Endowment for Democracy (NED) and implemented by Faktoje Center. The project aims to monitor ten municipalities in terms of keeping promises and transparency. Last year, the project involved the municipalities of Dibra, Lezha, Shkodra, Vlora, Himara, Durrës, Kavaja, Fier, Korça, and Elbasan, which were monitored by local journalists as well as civil society activists.

The methodology followed for the implementation of this project is the same as the methodology used during the past year. Four promises made by the current mayors during the 2023 local elections campaign have been chosen for each municipality. The given promises were monitored based on an analytical methodology including budget analysis, public procurement monitoring, on-site observations. Additionally, the report also monitored the transparency program, a legal obligation of municipalities derived from local governance legislation, public consultation legislation, and the Right to Information Act. On the

other hand, transparency and public consultation are regulated by the legal and sub-legal framework of Albania. Considering the fact that based on the domestic legislation, each public institution must implement the transparency program, the project has monitored the extent to which the given program is implemented by each municipality involved in the project.

This updated report aims to provide data on the monitoring of implementation of these provisions by ten municipalities of the country. The report provides the methodology used the detailed findings of each of the municipalities and some recommendations for improvement in terms of accountability and implementation of legal provisions regarding transparency.

This report is divided into three chapters. The first chapter is related to the transparency index. The second chapter focuses on the fulfillment of promises by the mayors, while the third chapter covers the importance of the Social Fund as a mechanism to empower municipalities and the challenges encountered in fund absorption.

RAPORT 2023

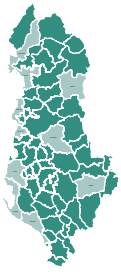
TRANSPARENCY

METHODOLOGY

The obligations of local self-government units related to the public consultation process and the implementation of transparency are identified through the analysis of the relevant legal framework. The organization and functioning of local self-government units is regulated by Law no. 139/2015 "On local self-government", while their obligations for the process of public consultation and implementation of transparency are further regulated by Law no. 119/2014 "On the right to information" and Law No. 146/2014 "On notification and public consultation" and Law no. 68/2017 'On local self-government finances' ensures fiscal discipline, sustainable policies, and transparency for the management of public funds, as well as a realistic provision of local revenues and expenditures.

The legal framework regarding transparency in local government units is further complemented by Order no. 211, dated 20.09.2018, of the Commissioner for the Right to Information and Protection of Personal Data, which establishes the "Model Transparency Program for Local Self-Government Units," detailing the obligations of local government authorities to ensure transparency and public information. From the provisions of these three laws, 16 indicators have been generated for which ten municipalities of the country have been monitored:

- **INDICATOR 1:** Appointment and publication of a person as coordinator of public notifications and consultation, who is responsible for the coordination and general administration of work to guarantee the right to public notifications and consultation;
- **INDICATOR 2:** Consultation on the annual budget of the municipality;
- **INDICATOR 3:** Consultation on the local taxes and fees;
- **INDICATOR 4:** Consultation on the alienation of municipal properties;
- **INDICATOR 5:** Notification for the organization of public consultation sessions on the website or on the bulletin board of the municipality;
- **INDICATOR 6:** Notification for the organization of public consultations by the municipal council on the website or on the bulletin board of the municipality;
- **INDICATOR 7:** Prior notification of the date and time of the municipal council meetings on the website or on the bulletin board of the municipality;
- **INDICATOR 8:** Prior notification of the date and time of the meetings of the municipal council commissions on the website or on the bulletin board of the municipality;
- **INDICATOR 9:** Identification and publication of data regarding the Coordinator for the Right to Information;
- **INDICATOR 10:** Publication of the Transparency Program on the website of the municipality;



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- **INDICATOR 11:** Publication of the organization chart of the municipality;
- **INDICATOR 12:** Publication of the annual budget of the municipality;
- **INDICATOR 13:** Publication of Municipal Council decisions;
- **INDICATOR 14:** Publication of the records of the municipal council meetings;
- **INDICATOR 15:** Publication of orders and decisions of the mayor of the municipality;
- **INDICATOR 16:** Publication on the website or on the public bulletin board of reports on budget implementation.

The data for monitoring the 16 indicators in this report were collected by journalists in the field. The journalists held informative meetings in advance with the experts who worked with the identification of the indicators as well as the legal expert, to be informed and to receive the relevant explanations for all the indicators, their legal basis and the monitoring method. After this informative and explanatory process with the journalists, the latter, having the necessary information on the indicators, on the legal provisions of the obligations of the municipalities for their realization and the sources from where they could get information for each of them, have analyzed the official websites of municipalities and have monitored public bulletin board of municipalities, as another alternative way that municipalities use to communicate with citizens. Journalists also directly followed the meetings of the municipal council, physically and / or online as appropriate. Another source used by journalists for data collection is the direct communication with the municipality, requesting information. In addition to the monitoring by the journalists, an official letter was sent to the monitored municipalities requesting the relevant information and documentation for the above indicators which are related to the consultation of

the adopted acts and the notifications that should be done in the framework of the public consultation process. Despite the legal obligation provided for in article 15, Law no. 119/2014 "On the right to information" which provides that institutions must respond within 10 working days from the date of submission of the request, none of municipalities responded.

To make a ranking of the municipalities included in the project in terms of transparency, for each of the aforementioned indicators are allocated 1 point for a total of 16 points for the municipalities that meet all legal requirements.

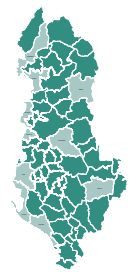
LEGAL PROVISIONS OF MONITORED INDICATORS

The monitored indicators for the ten municipalities of the country are generated by the relevant legal provisions which regulate the local self-government units, the public consultation process and transparency. Specifically, Law no. 139/2015 "On local self-government", Law no. 119/2014 "On the right to information" and Law No. 146/2014 "On public notifications and consultation".

No. 146/2014 "On notification and public consultation " regulates the process of public consultation, to ensure transparency, inclusiveness and timely implementation of actions. This public consultation, to ensure engagement in the decision-making process is conducted for draft acts such as draft laws, national and local strategic documents, as well as policies of high public interest.

The legal provisions provided in the given law, the implementation of which is monitored for the municipalities are:

- Appointment and publication of a person as coordinator of public notifications and consultation who is responsible for the coordination and general administration of work



to guarantee the right to public notifications and consultation¹

- Consultation on the annual budget of the municipality²
- Consulting the local taxes and fees³
- Consultation on the alienation of municipal properties⁴
- Posting announcement for the organization of public consultation sessions on the website or on the bulletin board of the municipality⁵
- Posting announcements for organizing public consultation on the website or on the bulletin board of the municipality⁶
- Prior notice of the date and time of the municipal council meeting on the website or on the bulletin

board of the municipality⁷

- Prior notice of the date and time of the meetings of the commissions of the municipal council on the website or on the bulletin board of the municipality⁸

The Law no. 119/2014 "On the right to information" regulates the right of access to information produced or held by public authorities. The legal provisions provided in the given law, the implementation of which is monitored for the municipalities are:

- Determining and publishing the data of the Coordinator on the Right to Information⁹
- Publication of the Transparency Program on the website of the municipality¹⁰

¹ Each public body appoints a person as coordinator of notification and public consultation, who is responsible for the coordination and general administration of work to guarantee the right to notification and public consultation, provided by this law Article 10 of Law No. 146/2014 "On notification and public consultation".

² "This law regulates the process of notification and public consultation of draft laws, draft national and local strategic documents, as well as policies of high public interest"; Article 1, law No. 146/2014 "On notification and public consultation". The obligation for this counseling and consultation also derives from the provisions of law no. 139/2015 "On local self-government", specifically Articles 18 and 54 of this law.

³ Ibid.

⁴ Ibid.

⁵ "The notification for the projects that shall be subject to the public consultation procedure is done through the electronic register. In cases when the public body deems it necessary, the notification can be made in one or some of the following forms: a) by e-mail; b) with a public announcement, which is posted on the premises of the initiating public body; c) with an announcement in the national, regional or local audiovisual media; c) by publishing in local newspapers or in the two most widely read newspapers at the national level. Receiving comments and recommendations in the public consultation process is done in one of the forms mentioned above, as well as in certain cases verbally and / or in writing and recorded in the minutes of public meetings". Article 1, law No. 146/2014 "On notification and public consultation".

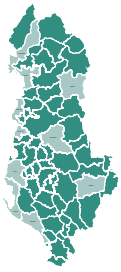
⁶ Ibid.

⁷ "The notice for the meeting of the council is made public in certain places for this purpose within the territory of the local unit and in accessible media in the local unit and contains the date, place, time and agenda of the meeting", article 17, law no.139 / 2015 "On local self-government". In addition to the provision in this law, the last two indicators have been analyzed from the perspective of the development of public consultation, where through meetings of the municipal council and commissions, the municipality consults with citizens.

⁸ Article 54 of Law no. 139/2015 "On local self-government" provides that the Municipal Council elects from its composition the commissions of the council and approves the internal regulation of its functioning. The commission as one of the structures of the municipal council has the same obligations towards the citizens of the unit, moreover that the municipal council has the duty to consult with the community for the establishment of these commissions according to the provisions of articles 18 and 54 / a of law no. 139/2015 "On local self-government".

⁹ "On the implementation of the given law, in order to coordinate the work for guaranteeing the right to information, the public authority appoints one of the employees as a coordinator for the right to information", Article 10, Law no. 119/2014 "On the right to information".

¹⁰ "In accordance with the approved transparency program for each public authority, the latter shall prepare in advance, in easily understandable and accessible formats, as well as make available to the public on their website the following categories of information: a) a description of the Organization chart, functions and tasks of the public authority; b) full texts: . of bylaws; e) data on the budget", Article 7, Law no. 119/2014 "On the right to information".



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- Publication of the organization chart of the municipality¹¹
- Publication of the annual budget of the municipality¹²
- Publication of decisions of the Municipal Council¹³
- Publication of the records of the municipal council meetings¹⁴
- Publication of the orders and decisions of Mayor¹⁵

¹¹ Ibid

¹² Ibid

¹³ Ibid. Implementation of the provisions of law no. 119/2014 "On the right to information" refers to the obligation to publish acts of the municipal council directly by law no. 139/2015 "On local self-government" in Article 18. This article also provides that the acts of the municipal council are published on the page official website and posted in public places.












¹⁴ Ibid

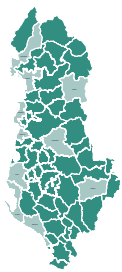
¹⁵ Ibid

FINDINGS FOR EACH MUNICIPALITIES

MUNICIPALITY OF DIBËR

For the Municipality of Dibra, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Dibra has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing the data of the Coordinator for Notification and Public Consultation	Municipality of Dibra has fulfilled the obligation to publish data of the Coordinator for Public Consultation, because it has added the email and data of the coordinator on its official website.	
3	Determining and publishing the data of the coordinator On the Right to Information	Municipality of Dibra has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	
4	Publication of the Organization chart of the municipality	Municipality of Dibra has fulfilled the obligation to publish the Organization chart of the municipality in the official website.	
5	Publication of the annual budget of the municipality	Municipality of Dibra has fulfilled the obligation to publish to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Dibra has published in its official website the notification for the organization of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Dibra has consulted with its citizens the annual budget of the municipality. From monitoring the website and notification boards, announcements have been made regarding the conduct of consultative processes for the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	As for the package of local taxes and tariffs for the period 2023-2024, they were consulted with the public concurrently with the 2023 and 2024 annual budgets of Dibra Municipality. From monitoring of the website and notice boards, activities have been identified to have been completed to fulfill this obligation.	
9	Public consultation on decisions regarding the alienation of municipality properties	In response to the information request regarding this issue, the municipality responded that no public consultations were held, As no property of alienation procedures for Dibra Municipality were conducted for January 2023 - December 2023.	
10	Publication of orders And decisions of the mayor of the municipality	Municipality of Dibra has not fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Dibra Municipality has posted preliminary notices on the notice boards regarding announcements for Municipal Council meetings.	



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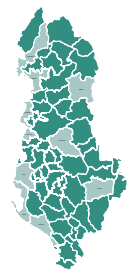
TRANSPARENCY OF THE 10 MUNICIPALITIES AND EVALUATION OF 40 PROMISES OF MAYORS

12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Dibra Municipality has placed preliminary notices on the notice boards and published them on the official website for the meetings of the municipal council's committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Dibra has not fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Dibra has fulfilled the obligation to publish the decisions of the mayor on its official website	
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Dibra Municipality has posted notices on the notice boards and published them on the official website regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Dibra has published reports on the monitoring of budget implementation.	
17	Realization rate		87.5%

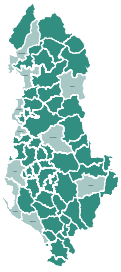
MUNICIPALITY OF ELBASAN

For Municipality of Elbasan, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Elbasan has fulfilled the obligation to publish the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Elbasan has not fulfilled the obligation to publish data of the Coordination for Public Consultation.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Elbasan has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	
4	Publication of the organization chart of the municipality	Municipality of Elbasan has fulfilled the obligation to publish the organization chart of the municipality on the official website.	
5	Publication of the annual budget of the municipality	Municipality of Elbasan has fulfilled the obligation to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Elbasan has published in its official website the notification for the organization of public consultation sessions.	



7	Public consultation of the annual budget of the municipality	Municipality of Elbasan has not consulted with its citizens the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Elbasan has not consulted with its citizens the package of local taxes and tariffs.	
9	Public consultation on decisions regarding the alienation of municipality properties	Municipality of Elbasan has fulfilled this legal requirement.	
10	Publication of orders And decisions of the mayor of the municipality	Municipality of Elbasan has not fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Elbasan has posted, in its official website, preliminary notices on the notice boards regarding announcements for Municipal Council meetings.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Elbasan has placed preliminary notices in the notice boards and has published them in the official website regarding announcements for the meetings of the municipal council committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Elbasan has fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Elbasan has fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Elbasan has placed, in the notice boards, and has published on the official website, announcements regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Elbasan has not published reports on budget implementation.	
17	Realization rate		62.5%



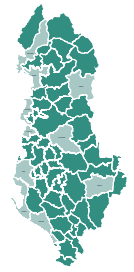
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MUNICIPALITY OF FIER

For Municipality of Fier, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Fier has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Fier has fulfilled the obligation to publish data of the Coordinator for Public Consultation, because it has added the email and data of the coordinator on its official website.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Fier has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to Information.	
4	Publication of the organization chart of the municipality	Municipality of Fier has fulfilled the obligation to publish the organization chart of the municipality in the website.	
5	Publication of the annual budget of the municipality	Municipality of Fier has fulfilled the obligation to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Fier has published, online or on the notice board, announcements on the organization of public consultation sessions, however the calendar of public consultations for the 2024 budget has only been published on the municipality's Facebook page.	
7	Public consultation of the annual budget of the municipality	Municipality of Fier has consulted with its citizens the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Fier has consulted with its citizens the package of local taxes and tariffs.	
9	Public consultation on decisions regarding the alienation of municipality properties	Municipality of Fier did not have any property alienation decisions for January 2023 - December 2023.	
10	Publication of orders and decisions of the mayor of the municipality	Municipality of Fier has not fulfilled the obligation to publish the orders and decisions of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Fier has posted preliminary notices on the notice board on the notice boards regarding announcements for Municipal Council meetings.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Fier has not posted preliminary notices on the notice boards and on the official website regarding announcements for the meetings of the municipal council's committees; they have only been published on the municipality's Facebook page.	
13	Publication of the records of Municipal Council meetings	Municipality of Fier has not fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Fier has fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	

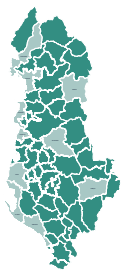


15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Fier has placed, in the notice boards, and has published on the official website, announcements regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Fier has not published reports on budget implementation.	
17	Realization rate		68.7%

MUNICIPALITY OF KAVAJA

For Municipality of Kavaja, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Kavaja has not fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Kavaja has not fulfilled the obligation to publish data of the Coordinator for Public Consultation because it has not added the coordinator's email and phone number in the official website.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Kavaja has not fulfilled the obligation to publish data of the Coordinator on the Right to information.	
4	Publication of the organization chart of the municipality	Municipality of Kavaja has not fulfilled the obligation to publish the organization chart of the municipality.	
5	Publication of the annual budget of the municipality	Municipality of Kavaja has not fulfilled the obligation to publish the annual budget in the official website.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Kavaja has not published online or displayed notices on the board regarding the conduct of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Kavaja has consulted with its citizens the annual 2024 budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Kavaja has consulted with its citizens the package of local taxed and tariffs.	
9	Public consultation on decisions regarding the alienation of municipality properties	Municipality of Kavaja did not conduct public hearings for property alienation as they are prohibited by Law No. 77/2022, 'On certain amendments and additions to Law No. 133/2015, 'On the treatment of property and the finalization of the process of compensation of property.'	



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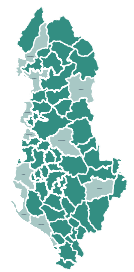
TRANSPARENCY OF THE 10 MUNICIPALITIES AND EVALUATION OF 40 PROMISES OF MAYORS

10	Publication of orders and decisions of the mayor	Municipality of Kavaja has not fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board.	Municipality of Kavaja has not displayed preliminary notices on the notice boards or on the website regarding announcements for Municipal Council meetings. In response to the information request, the Municipality stated that these notices were posted on social media platforms, which are not official channels of information.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Kavaja has not posted preliminary notices on the notice boards or on the official website regarding announcements for the meetings of the municipal council's committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Kavaja has not fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Kavaja has not fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Kavaja has not placed notices on the notice boards or published them on the official website regarding the conduct of public hearings by the municipal council, but only on the municipality's official Facebook page.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Kavaja has not published reports on budget implementation.	
17	Realization rate		18.7%

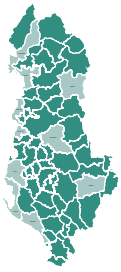
MUNICIPALITY OF DURRËS

For Municipality of Durrës, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Durrës has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Durrës has not fulfilled the obligation to publish data of the Coordination for Public Consultation.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Durrës has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	
4	Publication of the organization chart of the municipality	Municipality of Durrës has fulfilled the obligation to publish the Organization chart of the municipality in the official website.	



5	Publication of the annual budget of the municipality	Municipality of Durrës has fulfilled the obligation to publish to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Durrës has published in its official website the notification for the organization of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Durrës has consulted with its citizens the annual budget of the municipality. From monitoring the website and notification boards, announcements have been made regarding the conduct of consultative processes for the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Durrës has consulted with its citizens the package of local taxed and tariffs. Observations of the website and notice boards have revealed activities undertaken to fulfill this obligation.	
9	Public consultation on decisions regarding the alienation of municipality properties	In response to the information request regarding this issue, the municipality stated that there were no practices for the alienation of Municipality properties for January 2023 - December 2023.	
10	Publication of orders and decisions of the mayor	Municipality of Durrës has not fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Durrës has posted preliminary notices on the notice boards regarding announcements for Municipal Council meetings.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Durrës has placed preliminary notices on the notice boards and published them on the official website regarding announcements for the meetings of the municipal council committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Durrës has not fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Durrës has fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Durrës has posted notices on the notice boards and published them on the official website regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Durrës has published reports on the monitoring of budget implementation.	
17	Realization rate		81.2%



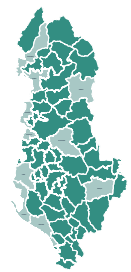
MONITORING REPORT

TRANSPARENCY OF THE 10 MUNICIPALITIES AND EVALUATION OF 40 PROMISES OF MAYORS

MUNICIPALITY OF KORÇA

For Municipality of Korça, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Korça has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Korça has fulfilled the obligation to publish data of the Coordination for Public Consultation.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Korça has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	
4	Publication of the organization chart of the municipality	Municipality of Korça has fulfilled the obligation to publish the Organization chart of the municipality in the official website.	
5	Publication of the annual budget of the municipality	Municipality of Korça has fulfilled the obligation to publish to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Korça has published in its official website the notification for the organization of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Korça has consulted with its citizens the annual budget of the municipality. From monitoring the website and notification boards, announcements have been made regarding the conduct of consultative processes for the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Korça has consulted with its citizens the package of local taxed and tariffs. Observations of the website and notice boards have revealed activities undertaken to fulfill this obligation.	
9	Public consultation on decisions regarding the alienation of municipality properties	Municipality of Korça has stated that the acts of property transfer approved by the Municipal Council are considered individual administrative acts, and thus, the obligation for public consultation falls under the responsibility of the Municipal Council	
10	Publication of orders and decisions of the mayor	Municipality of Korça has fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Korça has posted preliminary notices on the notice boards regarding announcements for Municipal Council meetings.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Korça has placed preliminary notices on the notice boards and published them on the official website for the meetings of the municipal council's committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Korça has fulfilled the obligation to publish the records of the Municipal Council Meetings.	

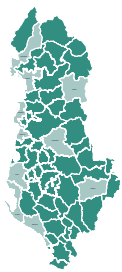


14	Publication of decisions of the Municipal Meetings	Municipality of Korça has fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Korça has posted notices on the notice boards and published them on the official website regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Korça has published reports on the monitoring of budget implementation.	
17	Realization rate		100%

MUNICIPALITY OF LEZHA

For Municipality of Lezha, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Lezha has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Lezha has fulfilled the obligation to publish data of the Coordination for Public Consultation.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Lezha has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	
4	Publication of the organization chart of the municipality	Municipality of Lezha has fulfilled the obligation to publish the Organization chart of the municipality in the official website.	
5	Publication of the annual budget of the municipality	Municipality of Lezha has fulfilled the obligation to publish to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Lezha has published in its official website the notification for the organization of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Lezha has consulted with its citizens the annual budget of the municipality. From monitoring the website and notification boards, announcements have been made regarding the conduct of consultative processes for the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Lezha has consulted with its citizens the package of local taxed and tariffs. Observations of the website and notice boards have revealed activities undertaken to fulfill this obligation.	



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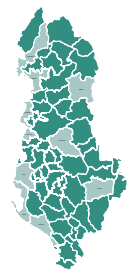
TRANSPARENCY OF THE 10 MUNICIPALITIES AND EVALUATION OF 40 PROMISES OF MAYORS

9	Public consultation on decisions regarding the alienation of municipality properties	Municipality of Lezha has fulfilled this legal requirement.	
10	Publication of orders and decisions of the mayor	Municipality of Lezha has fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Lezha has posted preliminary notices on the notice boards regarding announcements for Municipal Council meetings.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Lezha has placed preliminary notices on the notice boards and published them on the official website regarding announcements for the meetings of the municipal council committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Lezha has fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Lezha has fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Lezha has posted notices on the notice boards and published them on the official website regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Lezha has published reports on the monitoring of budget implementation.	
17	Realization rate		100%

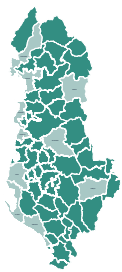
MUNICIPALITY OF SHKODRA

For Municipality of Shkodra, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Shkodra has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Shkodra has fulfilled the obligation to publish data of the Coordinator for Public Consultation because it has added the email and data of the coordinator on its official website.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Shkodra has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	



4	Publication of the organization chart of the municipality	Municipality of Shkodra has fulfilled the obligation to publish the organization chart of the municipality in the website.	
5	Publication of the annual budget of the municipality	Municipality of Shkodra has fulfilled the obligation to publish to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Shkodra has published online or displayed notices on the board regarding the conduct of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Shkodra has consulted with its citizens the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Shkodra has consulted with its citizens the package of local taxed and tariffs.	
9	Public consultation on decisions regarding the alienation of municipality properties	Municipality of Shkodra has fulfilled this legal requirement.	
10	Publication of orders and decisions of the mayor	Municipality of Shkodra has fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Shkodra has posted preliminary notices on the notice board regarding announcements for Municipal Council meetings.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Shkodra has posted preliminary notices on the notice boards and on the official website regarding announcements for for the meetings of the municipal council's committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Shkodra has fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Shkodra has fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Shkodra has posted preliminary notices on the notice boards and on the official website, announcements regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Shkodra has published reports on budget implementation.	
17	Realization rate		100%



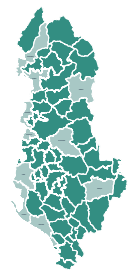
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MUNICIPALITY OF VLORA

For Municipality of Vlora, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Vlora has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Vlora has fulfilled the obligation to publish data of the Coordinator for Public Consultation, because it has added the email and data of the coordinator on its official website.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Vlora has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	
4	Publication of the organization chart of the municipality	Municipality of Vlora has fulfilled the obligation to publish the organization chart of the municipality in the website.	
5	Publication of the annual budget of the municipality	Municipality of Vlora has fulfilled the obligation to publish to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Vlora has published online or displayed notices on the board regarding the conduct of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Vlora has consulted with its citizens the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Vlora has consulted with its citizens the package of local taxed and tariffs.	
9	Public consultation on decisions regarding the alienation of municipality properties	In its response, Municipality of Vlora states that the Municipal Council has not organized public consultations with the aim of discussing the alienation of public properties.	
10	Publication of orders and decisions of the mayor	Municipality of Vlora has not fulfilled the obligation to publish the orders and decision of the mayor in the official website.	
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Vlora has posted preliminary notices on the notice board regarding announcements for Municipal Council meetings.	
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Vlora has not posted preliminary notices on the notice boards and on the official website regarding announcements for for the meetings of the municipal council's committees.	
13	Publication of the records of Municipal Council meetings	Municipality of Vlora has fulfilled the obligation to publish the records of the Municipal Council Meetings.	
14	Publication of decisions of the Municipal Meetings	Municipality of Vlora has fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	

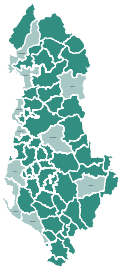


15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Vlora has placed, in the notice boards, and has published on the official website, announcements regarding the conduct of public consultations by the municipal council.	
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Vlora has not published reports on budget implementation.	
17	Realization rate		75%

MUNICIPALITY OF HIMARA

For Municipality of Himara, all indicators are monitored according to the methodology described above and the findings of this Municipality for each of these indicators are as follows.

No	Indicator	Comments	Status
1	Publication of the Transparency Program in the website of the municipality	Municipality of Himara has fulfilled the obligation to publish on the official website of the Transparency Program.	
2	Determining and publishing of data regarding the Coordinator for Notification and Public Consultation	Municipality of Himara has fulfilled the obligation to publish data of the Coordinator for Public Consultation because it has added the email and data of the coordinator on its official website.	
3	Determining and publishing of data for the Coordinator on the Right to Information	Municipality of Himara has fulfilled the obligation to appoint and publish data of the Coordinator on the Right to information.	
4	Publication of the organization chart of the municipality	Municipality of Himara has fulfilled the obligation to publish the organization chart of the municipality in the website.	
5	Publication of the annual budget of the municipality	Municipality of Himara has not fulfilled the obligation to publish the annual budget in the official website over the years.	
6	Notification for the organization of public consultation sessions on the website or on the notice board of the municipality	Municipality of Himara has published online or displayed notices on the board regarding the conduct of public consultation sessions.	
7	Public consultation of the annual budget of the municipality	Municipality of Himara has consulted with its citizens the annual budget of the municipality.	
8	Public consultation on the package of local taxes and tariffs.	Municipality of Himara has consulted with its citizens the package of local taxed and tariffs.	
9	Public consultation on decisions regarding the alienation of municipality properties	Observations of the website and notice boards have not revealed activities undertaken to fulfill this obligation. In fact, the Municipality may not have conducted property alienation. The municipality did not respond to the information request on this matter, so we are considering it as an unfulfilled indicator.	



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10	Publication of orders and decisions of the mayor	Municipality of Himara has not fulfilled the obligation to publish the orders and decision of the mayor in the official website.	⊗
11	Announcement of the date and time of Municipal Council meetings on the municipality's website or public notice board.	Municipality of Himara has not displayed preliminary notices on the notice boards or on the website regarding announcements for Municipal Council meetings.	⊗
12	Announcement of the date and time of Municipal Council meetings on the municipality's website or on the notice board of the municipality	Municipality of Himara has not posted preliminary notices on the notice boards or on the official website regarding announcements for the meetings of the municipal council's committees.	⊗
13	Publication of the records of Municipal Council meetings	Municipality of Himara has not fulfilled the obligation to publish the records of the Municipal Council Meetings.	⊗
14	Publication of decisions of the Municipal Meetings	Municipality of Himara has not fulfilled the obligation to publish the decisions of the Municipal Council in its official website.	⊗
15	Notification for the organization of public consultation sessions by the Municipal Council in the website or on the notice board of the municipality	Municipality of Himara has not displayed notices on the notice boards or published them on the official website regarding the organization of public hearings by the municipal council.	⊗
16	Have reports on budget implementation been posted on the website or on the public notice board?	Municipality of Himara has not published reports on budget implementation.	⊗
17	Realization rate		43.7%

COMPARATIVE ANALYSIS

The table below summarizes the monitoring results for the ten monitored municipalities, ranked according to the result in the transparency index. It's worth noting that for the four municipalities of Shkodra, Lezha, Dibra, and Durrës, which were monitored last year as well, Municipalities of Shkodra and Lezha maintain the same level of transparency, while those of Dibra and Durrës have seen an increase in their transparency levels.

The municipalities with the highest performance are Shkodra, Korça, and Lezha, all achieving 100%. They are followed by Dibra Municipality, which has fulfilled the legal requirements regarding transparency to the extent of 87.5%, achieving 14 out of 16 measured indicators. Meanwhile, Municipality of Kavaja has the lowest performance, with a transparency level of only 18.7%.

In terms of the indicators, it's worth mentioning that almost all monitored municipalities have made their Transparency Program available on their website, except for Kavaja Municipality. Meanwhile, 9 out of 10 monitored municipalities have appointed and published data for the Right to Information Coordinator, while 8 out of 10 monitored

municipalities have appointed the Coordinator for Public Consultation.

The municipalities have demonstrated good performance in public consultations for the Annual Budget and its publication on their website. In this regard, 9 out of 10 monitored municipalities have conducted public consultations on drafting the budget, but only 8 out of 10 have published it. The performance remains consistent regarding public consultations on the local tax and tariff package, with 9 out of 10 monitored municipalities having held public consultations on this issue.

As for the transparency of the Municipal Council, 8 out of 10 monitored municipalities have announced the date and time of the Municipal Council meeting. Only 5 out of 10 monitored municipalities have published the minutes of the Municipal Council meetings. On the other hand, 8 out of 10 monitored municipalities have published the decisions of the Municipal Council.

Transparency is notably low regarding the publication of Mayor's Decisions and Orders. Only 3 out of 10 monitored municipalities have published the orders or decisions of the Mayor.

No	Municipality	Transparency Index
1	Municipality of Shkodra	100%
2	Municipality of Korça	100%
3	Municipality of Lezha	100%
4	Municipality of Dibër	87.5%
5	Municipality of Durrës	81.2%
6	Municipality of Vlora	75%
7	Municipality of Fier	68.7%
8	Municipality of Elbasan	62.5%
9	Municipality of Himara	43.7%
10	Municipality of Kavaja	18.7%

MONITORING OF PROMISES

Faktoje team selected four promises made during the May 2023 local election campaign, as well as promises related to the reconstruction process for municipalities affected by the 2019 earthquake. The following methodology has been followed to monitor the given promises:

METHODOLOGY

The Promises for public services can be divided into two Mayor groups:

- 1 Promises related to administrative acts on the reduction or abolition of taxes and fees or the conversion of a public space into a pedestrian area, or the opening of a social center, cinema, etc.

The fulfillment of these promises is achieved through the approval of legal administrative acts such as Decisions and Orders of the Mayor and Decisions of the Municipal Council. Some of these promises also have financial implications, requiring an analysis of the budget to determine if funds have been allocated for establishing a new structure;

- 2 Promises primarily concerning public infrastructure constitute the main tasks and competencies of municipalities, such as water supply and sewage systems, roads and green spaces, schools and nurseries, healthcare centers, social centers, and other public buildings, etc. The fulfillment of these promises is closely linked to the budgets of municipalities.

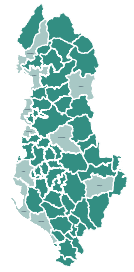
To analyze and document the fulfillment of these promises, it's important to initially see if

they are included in the municipality's budget, specifically under 'Capital Expenditures' or 'Maintenance Expenses'. However, even if they are included in the budget, it doesn't guarantee that the promises will be kept, as municipalities almost always fail to meet budget commitments. Therefore, it's essential to verify whether a municipality has conducted or intends to conduct public procurement for the specific project. The procurement plan can be accessed on the website of the Public Procurement Agency.

It's worth noting that the fulfillment of some of these promises can also be achieved through collaboration or assistance from other institutions, such as line ministries, for example, the Ministry of Health for healthcare centers or the Water Supply and Sewerage Utility (AKUM) for water supply systems or landfills. Therefore, it's essential to also analyze the budgets and procurements of these institutions, to ascertain whether they have incorporated this project or not. Consequently, the database is expected to have a section named 'Other Participating Institutions' to identify and monitor these organizations that might fully or partially finance the implementation of these projects in collaboration with municipalities.

The indicators that are proposed to be measured, In terms of Public Services, are:

- 1 Decisions and Orders of the Mayor of the Municipality;
- 2 Decisions of the Municipal Council;
- 3 Budget;



- 4 Procurement Plan;
- 5 List of Announced Agreements;
- 6 Budget of other institutions involved and their procurement plan.

MAYOR PROJECTS

Mayor projects include projects that require a very large amount of funding compared to a municipality's budget, necessarily require the engagement and funding of the Central Government. These projects include National Highways and Roads, Ports, Airports and Terminals, Hospitals, Theaters, Stadiums, etc.

These projects, despite the fact that they may have been promised by the Mayors, are in fact beyond the competence of the Municipality. However, the promise of the mayors can also be related to lobbying the Government or the Ministries for the financing of these projects. Therefore, to monitor the fulfilment of the given promises should be monitored the budget and the procurement plan of the central institution and not this of the municipality.

The indicators that are proposed to be measured, In terms of Mayor Projects, are:

- ◆ The budget of central institutions varies depending on the sector, such as Ministry of Health for Hospitals, FSHF/MASR for Stadiums, FSHZH or ARRSR for roads, etc.

To monitor the implementation of the given promises, Faktoje team took the following steps:

- 1 Analysis of the municipal budget;
- 2 Procurement Plan Analysis;
- 3 Submitting the requests for information to municipalities;
- 4 Conducting field visits to see the situation closely.

MONITORED PROMISES

The selected promises for each of the Municipalities involved in the project are as follows.

MUNICIPALITY OF ELBASAN

- ◆ Rebuilding of 'Jonuz Carciu' School and reconstruction of the 9-year 'Naim Frashëri' School.
- ◆ Establishment of a fruit collection hub in Shushica, Bradashesh;
- ◆ Construction of Funari Road;
- ◆ Clearing of Shushica River.

MUNICIPALITY OF LEZHA

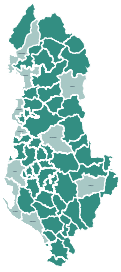
- ◆ Reconstruction of 'Dedë Ndue Lazri' Cultural Palace, Lezha.
- ◆ Construction of Tale Road
- ◆ (I want to play) 'Dua të luaj' project
- ◆ Reconstruction of the palace in 'Besëlidhja' neighborhood

MUNICIPALITY OF SHKODRA

- ◆ Requalification of the market in Rus neighborhood in Shkodër
- ◆ Rehabilitation of the Bërdic-Bahcallëk and Shirokë-Zogaj roads
- ◆ Building the new pier in Shkodra
- ◆ Action to free public spaces

MUNICIPALITY OF KORÇA

- ◆ Rehabilitation of the Lekas-Voskopojë and Voskopojë-Krushovë roads
- ◆ Resolving the issue of polluted waters in Melçan
- ◆ Construction of a winter resort - SKIPISTA
- ◆ Construction of a tourist and sports airport in Korça



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MUNICIPALITY OF DIBËR

- ◆ Promises made to asphalt the road of (Lekaçe neighborhood).
- ◆ Asphaltting of the Upper Brestit road.
- ◆ Irrigation of 500 hectares of agricultural land in Maqellarë.
- ◆ City facades

MUNICIPALITY OF DURRËS

- ◆ Construction of the public parking building in the city center
- ◆ Paving of two streets in Sukth
- ◆ Reconstruction of the Cultural Center for Children / QKF
- ◆ Rehabilitation of 1990s buildings as the model for neighborhood 18.

MUNICIPALITY OF KAVAJA

- ◆ Monthly bonus of 5,000 ALL for each newborn.
- ◆ Immediate city-wide cleanup.
- ◆ Construction of the Recreational Park in Kavaja.
- ◆ Permanent solution to the water issue (Karpen and Rrakull Village)

MUNICIPALITY OF FIER

- ◆ Building a contemporary market for wholesale trading of agricultural products.
- ◆ Rehabilitation of Libofsha center,
- ◆ Construction of the road from Ardenica Monastery to 'Shëngjergji Church' in Libofsha.
- ◆ Completion of the road infrastructure rehabilitation in Levan district & completion of the drainage system rehabilitation works;

MUNICIPALITY OF VLORA

- ◆ City cleaning
- ◆ Construction of the intercity bus terminal
- ◆ Construction of daily centers for the elderly in every district of the city.
- ◆ Re-qualification of the city markets

MUNICIPALITY OF HIMARA

- ◆ Ensuring 24-hour water supply for Himara city
- ◆ Construction of Tërbac village road
- ◆ Construction of Kudhës village road
- ◆ Reconstruction of the old Pilur road

SUMMARY ANALYSIS ON THE 'BELERI' CASE

Faktoje has encountered several difficulties during the process of monitoring promises and transparency in the Municipality of Himara. These obstacles have mainly arisen due to the presence of an unusual situation, stemming from the much-discussed issue surrounding the elected Mayor, Mr. Dhionisios (Alfred) Beleri, who continues to be subject to the restrictive measure of 'Arrest in prison' at the time of drafting this report. This has prevented him from officially taking office before the Himara Municipal Council.

Given the conditions of the monitoring process, it is deemed essential to extend the analysis beyond promise monitoring and provide a comprehensive overview of the legal/criminal proceedings against Mr. Beleri, along with the appointment and swearing-in process relying solely on facts and official documents published on the matter. It's worth noting that this case has been marked by intense political debates and controversies, as well as bilateral tensions and disagreements with the neighboring country, Greece.

THE CHRONOLOGICAL SEQUENCE OF FACTS AND CIRCUMSTANCES:

Pursuant to Decree No. 13864, dated 24.10. 2022, issued by the President of the Republic, "On the determination of the date of local government elections," elections for local government bodies were held on May 14, 2023. On May 12, 2023, two days prior to the elections, Mr. Beleri was arrested as a suspect for allegedly committing the

criminal offense of "Active Corruption in Elections" in collaboration, as stipulated in Article 328¹⁶ and 25 of the Penal Code. According to the minutes of Vlorë District Prosecutor's Office¹⁷ Mr. Beleri's arrest was conducted in flagrante delicto, where he, in collaboration with others, was purportedly promising and providing monetary sums to various individuals in exchange for votes.

In the press release¹⁸ issued by the Prosecutor's Office at the First Instance Court of Vlorë, it was stated that the investigations had begun on May 8, 2023. The Prosecutor's Office had registered the criminal proceeding under case number 489, dated 08.05. 2023, based on the referral from the Local Police Directorate of Vlorë, regarding the criminal offense of "Active Corruption in Elections," in collaboration, as stipulated in Articles 328 and 25 of the Penal Code (PC), against the individuals under investigation, Mr. Beleri and P. K.

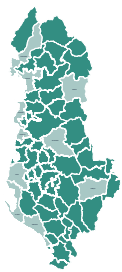
Following the registration of the criminal proceeding, the prosecutor was authorized to undertake a range of procedural actions on-site, employing special investigative methods, to ascertain the criminal facts for which this criminal proceeding was initiated. Following a series of procedural measures conducted by Vlorë Local Police Directorate, under the supervision of the Prosecutor's Office at the First Instance Court of Vlorë, and based on the facts gathered during the investigation and the evidence obtained dynamically through the use of special investigative methods, the arrest in flagrante delicto of individuals Mr. Beleri and P. K¹⁹ was executed.

¹⁶ Article 328 Active Corruption in Elections (Amended by Law No. 23/2012, dated 03/01/2012, and Law No. 89/2017, dated 05/22/2017, with the omission of certain provisions by Law No. 146/2020, dated 12/17/2020): Offering or giving money or material goods, making promises for employment or other favors in any form, in contradiction with the law, for the voter or other persons in order to get signatures to field a candidate in elections, to vote in a certain way, to participate or not to participate in voting, or to get engaged into an illegal activity to support a candidate or political party, constitutes a criminal offence and is punishable by imprisonment of one year up to five years.

¹⁷ <https://shqiptarja.com/lajm/nen-hetim-per-blekje-votash-del-dokumenti-urdher-arresti-i-firmosur-per-fredi-belerin>

¹⁸ <https://dosja.al/aktualitet/operacioni-matrix-ve-ne-pranga-fredi-belerin-prokurori-kemi-siguruar--i299736>

¹⁹ idem



MONITORING REPORT

TRANSPARENCY OF THE 10 MUNICIPALITIES AND EVALUATION OF 40 PROMISES OF MAYORS

The arrest of the suspects, by decision no. 205 dated 13.05.2023, has been deemed lawful by the First Instance General Jurisdiction Court of Vlorë. The court has imposed on each of them the measure of personal security "arrest in prison" as provided for in Article 238 of the Criminal Procedure Code. The First Instance Court has reasoned, among other things, that the arrest in flagrante delicto is lawful, as each of the individuals under investigation was arrested immediately after the commission of the criminal offense. It has also determined the lack of jurisdiction of the Vlorë District Court to adjudicate the criminal case and has decided to transfer the case files to the Special Court against Corruption and Organized Crime in Tirana, as the competent court from a substantive standpoint.

The case file transferred for jurisdiction has been officially registered at the First Instance Special Court for Corruption and Organized Crime on May 17, 2023. In accordance with the procedure set forth in Article 88 of the Criminal Procedure Code, the First Instance Court reviewed the case on May 22, 2023.

The First Instance Special Court for Corruption and Organized Crime, by decision no. 46 dated May 22, 2023, has decided:

1. *The continuation of the enforcement of the personal security measure 'Arrest in prison'*
2. *The Special Prosecution Office against Corruption and Organized Crime, along with the Judicial Police Services, are ordered to execute this decision. 3. An appeal against this decision may be filed with the Special Appeals Court for Corruption and Organized Crime within 5 (five) days from the date of notification of the decision.*

The individuals under investigation, Dhionis Alfred Beleri and P.K., have appealed against this decision, requesting the revocation of the ruling by the First Instance Special Court and the rejection of the request for imposing the personal security measure, alternatively seeking a less severe security measure.

The Special Appeals Court for Corruption and

Organized Crime, by decision no. 19 dated 1.6.2023, has decided: *"Approval of Decision no. 46, dated 22.05.2023, of the First Instance Special Court for Corruption and Organized Crime"*.

The individuals under investigation Dhionis Alfred Beleri and P.K. have submitted an appeal against the Decision No. 19, dated 1.6.2023, of the Special Appeals Court for Corruption and Organized Crime, requesting: *"The abrogation of Decision No. 46, dated 22.5.2023, of the First Instance Special Court for Corruption and Organized Crime, Tirana, and Decision No. 19, dated 1.6.2023, of the Appeals Court for Corruption and Organized Crime, Tirana. The dismissal of the request by the Special Prosecution Office against Corruption and Organized Crime for the imposition of personal security measures against citizen Dhionis Alfred Beleri..."*

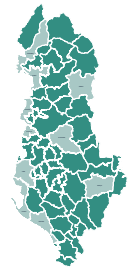
The Penal College of the Supreme Court, in Decision No. 00-2023-1313 (224) dated 25.07.2023, has decided: *"The enforcement of the decision No. 19, dated 1.6.2023, of the Special Appeals Court for Corruption and Organized Crime."*

The Special Court of Appeal for Corruption and Organized Crime, in decision no. 23, dated 21.6.2023, has decided: *"The approval of Decision No. 205, dated 13.5.2023, of the First Instance Court of General Jurisdiction, Vlorë, with the following amendments.*

2. *The legal validation of the arrest conducted, in flagrante, by the judicial police against Mr. Dhionis Alfred Beleri through the procedural act 'Record of apprehension in flagrante delicto, dated 12.5.2023, time 00:14.'... 4. The unlawful validation of the arrest carried out in flagrante delicto by the judicial police against Mr. Dhionis Alfred Beleri through the procedural act 'Record of apprehension in flagrante delicto, dated 12.05.2023, at 09:45.'*

...6. The dismissal of the appeal by Mr. Dhionis Alfred Beleri and Mr. P.K. for the remaining part of the presented grounds.

On 4.8.2023, individuals under investigation Dhionis Alfred Beleri and P.K. have filed an appeal



against Decision No. 23, dated 21.6. 2023, of the Special Court of Appeal for Corruption and Organized Crime requesting: *'The revocation of Decision No. 23, dated 21.6. 2023, of the Special Court of Appeal for Corruption and Organized Crime, Tirana, and Decision No. 205, dated 13.5. 2023, of the First Instance Court of General Jurisdiction, Vlorë.' The unlawful validation of the arrest carried out in flagrante delicto of the citizens Mr. Dhionisios Alfred Beleri dhe Pandeli Kokaveshi.'*

On September 26, 2023, the Criminal College of the Supreme Court, by Decision Number 00-2023-1530²⁰, rejected the appeal lodged by the individuals under investigation, Dhionisios Alfred Beleri and P.K., against Decision No. 23, dated 21.6. 2023, of the Special Court of Appeal for Corruption and Organized Crime.

"On the other hand, referring to the electoral process regarding Mr. Beleri's mandate as Mayor of Himara, it appears that after the conclusion of the local elections on May 14, 2023, Electoral Zone Commission No. 88, by Decision No. 194, dated 16.05.2023, declared Mr. Dhionisios (Alfred) Petro Beleri as the Mayor of Himara, proposed by the electoral Coalition 'Bashkë Fitojmë' (Together We Win)²¹

Subsequently, the Central Election Commission (CEC), through Decision No. 611, dated 25.05.2023, has decided to grant the mandate of Mayor of Himarë, Vlorë County, to Mr. Dhionisios (Alfred) Petro Beleri. There have been no appeals filed against this decision.

Law no. 139/2015, as amended, in paragraph 1 of Article 60 "Term of Office of the Mayor," provides

that: *"The term of office of the Mayor is verified by the District Court (civil chamber) within whose jurisdiction the respective municipality falls, within 20 days from the date of announcement of the election result.'*

Based on this legal provision, upon Mr. Beleri's request, the Court of First Instance of General Jurisdiction in Vlorë, by Decision No. 418, dated 13.06.2023, has confirmed the mandate of Mr. Dhionisios (Alfred) Petro Beleri, as Mayor of Himara, proposed by the electoral coalition "Bashkë Fitojmë" (together we win) for the local government elections held on 14.05.2023²²

Paragraphs 3 and 4 of Article 60 of Law No. 139/2015 stipulate that Mayor's mandate is declared valid at the first meeting of the respective Municipal Council, and the exercise of the mandate starts at the moment the oath is taken²³ According to these provisions, Mr. Beleri, against whom the security measure of "arrest in prison" had been imposed, was in a situation where his mandate had not yet been declared valid by the Municipal Council, and the term of office as Mayor had not started as long as the oath was not taken.

To assume the position of Mayor, Mr. Beleri was required to take his oath before the Municipal Council of Himara. The Municipal Council of Himara notified Mr. Beleri, in his capacity as the elected Mayor, about the holding of the first session of the Municipal Council of Himara, where the agenda included the ceremony for assuming the position of Mayor of Himara.²⁴

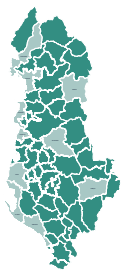
²⁰ http://www.gjykataelarte.gov.al/gjl_ceshtje_detaje.php?caseld_sel=2023-01317&ln=Lng1&uni=20231215141603791061232235032321

²¹ https://kqz.gov.al/wp-content/uploads/2023/05/Vendim-nr.-611-date-25.5.2023_Per-dhenien-e-mandatit-Kryetarit-te-Bashkise-Himare-Z.-Dhionisios-Beleri-BF.pdf

²² Decision No. 418, dated 13.06.2023, of the First Instance Court of General Jurisdiction, Vlorë. https://shqiptarja.com/uploads/cke_ditor/655786219084e00-2023-1810_001.pdf

²³ In Article 60, paragraphs 3 and 4 of Law No. 139/2015, it is stipulated: "3. The declaration of validity of the Mayor's mandate is made at the first meeting of the respective Municipal Council, where the Mayor takes the oath, according to the formula specified in Article 50 of this law, and signs it. The Mayor's mandate begins when he takes the oath and ends when his successor takes the oath."

²⁴ Decision no. 266, dated 26.06.2023, of the Special Court of First Instance for Corruption and Organized Crime reveals that the Municipal Council of Himara Municipality, through letter no. 2850/22 prot., dated 21.06.2023, under the subject "Notification regarding the convening of the first meeting of the Municipal Council and assumption of the duties of the Mayor of the Municipality", has informed Mr. Beleri, in the capacity of the Mayor of Himara Municipality.



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Under these circumstances, Mr. Beleri has submitted a request to the Institution of Execution of Penal Decisions (IEPD), requiring authorization for special leave based on the provisions of Law No. 81/2020 "On the rights and treatment of prisoners and pre-trial detainees," in order to ensure his participation in the Himara Municipal Council meeting scheduled for 27.06.2023.

Mr. Beleri's claims are based on the fact that he retains all rights not explicitly limited by the decision imposing the security measure of "arrest in prison" against him. Additionally, there is no indication in court rulings that any restrictive measures have been imposed on him or that his right to stand for election has been revoked.²⁵

On June 26, 2023, the General Directorate of Prisons dismissed Mr. Beleri's aforementioned request,²⁶ stating that the request for special permission is not provided for by law.²⁷

Mr. Beleri submitted a request to the Special Court of First Instance requiring authorization to attend the meeting of the Municipal Council of Himara, scheduled for June 27, 2023. The court, in its decision, rejected the request, stating that it lacked legal basis, specifically referring to Articles 8 and 73 of Law No. 81/2020.

The court, in its rationale, explained that in this specific instance, it lacks the authority to approve Mr. Beleri's request. According to the specific law governing the procedure for such requests, the

authorization is granted by the Director of the institution with the prior approval of the prosecutor.²⁸

Mr. Beleri has also submitted requests for authorization on other occasions to the IEVP/ General Directorate of Prisons, specifically for the meetings of Himara Municipal Council scheduled for 28.07.2023, and 24.08.2023. The request for the 28.07.2023 meeting was denied, while the one for 24.08.2023, has not received a response.²⁹

On 06.09.2023, Mr. Beleri submitted a request pursuant to Article 73 of Law No. 81/2020 on Granting Special Authorization to the IEVP and to the General Directorate of Prisons, aiming to schedule a date for the oath ceremony at Himara Municipal Council after the request is reviewed.

Mr. Beleri has argued that there are precedents for two prior cases where individuals under arrest, Azgan Haklaj and Mark Frroku, were granted "authorization for special leave. Mr. Beleri's request was denied by the General Directorate of Prisons in response, as per their letter No. 1938 prot., dated 08.09.2023. This decision reaffirmed the legal position outlined in the letter dated 26.06.2023 and addressed in Decision No. 266, dated 26.06.2023, of the Special First Instance Court.³⁰

Mr. Beleri has contested this act in the Special First Instance Court, arguing that the refusal from the General Directorate of Prisons lacks legal basis, as there is no judicial decision that has reviewed and dismissed the request for granting special

²⁵ In Article 8 of Law No. 81/2020 On the rights and treatment of convicted prisoners and pretrial detainees' the following is stipulated: '1. Prisoners shall enjoy all the rights that have not been restricted through the court decision on their conviction or on imposing a security measure of "detention". 2. The rights of prisoners, under to this law, may be limited to the necessary minimum and only in fulfillment of a lawful purpose in the instances and according to the criteria provided for in this law. 3. Individual restriction of rights under this article may not restrict the right of the prisoner to communicate with his defense counsel and to file complaints in accordance with the provisions of this law.

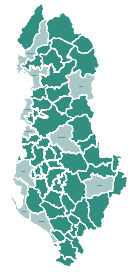
²⁶ Letter with subject "Response to Request for Special Leave," dated 26.06.2023, from the General Directorate of Prisons.

²⁷ Article 73 of Law No. 81/2020 stipulates: "1. The prisoner shall be entitled to obtain special leave in case of serious illness, which endangers the lives of his family members, certified by a medical report, or of important family events, such as death, birth or marriage, as well as in cases the convict undergoes an exams himself. This period shall be included in the time of serving the sentence(...)."

²⁸ Judicial decision that has reviewed and dismissed the request for granting special authorization/permit.

²⁹ Decision No. 371, dated 18.09.2023, of the Special First Instance Court for Corruption and Organized Crime. https://shqiptarja.com/uploads/ckeditor/655786219084e00-2023-1810_001.pdf

³⁰ Letter titled "Response Letter," reference number 1938 prot., dated 08.09.2023 of the General Directorate of Prisons. https://shqiptarja.com/uploads/ckeditor/655786219084e00-2023-1810_001.pdf



authorization/permit.³¹

The Special Court of First Instance, with Decision No. 371 dated 18. 09.2023, has decided to non-competence of the criminal case with the subject "Opposition to act No. 1938 prot. Dated 08.09.2023," notified on 11.09.2023, and has ordered the transfer of the case and accompanying documents to the competent court in terms of material and territorial jurisdiction, the First Instance Court of General Jurisdiction in Durrës. In its decision, the Court argued that the subject matter of the trial request is essentially administrative-penal. This is because it involves requiring the Court's intervention to resolve a conflict between a pretrial detainee and the institution responsible for executing the penal decision. The detainee is held under the coercive measure of "detention in prison," which restricts one of their political rights. Pursuant to Article 80 of Law No. 81/2020, the Competent authority to consider this request is the Court situated at the location where the penal decision is executed, not the specialized first-instance court.³²

Following this decision, the First Instance Court of General Jurisdiction in Durrës, with Decision No. 137 dated 10.10. 2023, has resolved to refer the jurisdictional disagreement regarding the trial of criminal request No. 71029-02531-11-2023/561, registered on 22.09.2023. The subject matter concerns the Opposition to Act No. 1938 prot. dated 08.09.2023, notified on 11.09.2023, and the acceptance of the request for special leave, to the Supreme Court.

The Penal Collegium of the Supreme Court, on 07.09. 2023, with Decision No. 00-2023-1810³³, decided to "Resolve the jurisdictional disagreement (conflict) between the Special Court of First Instance for Corruption and Organized Crime and the First

Instance Court of General Jurisdiction in Durrës," determining the Special Court of First Instance for Corruption and Organized Crime as the Competent Court for the trial of the case.

At the same time, Mr. Beleri has also taken the issue to the Constitutional Court. More specifically, on 28.09.2023, Mr. Beleri lodged a request with the Constitutional Court, registered under No. 2 (Dh) 2023 in the Registry on the same date. Through this request, he required the "Revocation on grounds of unconstitutionality of Decision No. 00-2023-1313 (224), dated 25.07.2023, issued by the Criminal Collegium of the Supreme Court, Decision No. 19, dated 01.06.2023, issued by the Court of Appeals for Corruption and Organized Crime, and Decision No. 46, dated 22.06.2023, issued by the Special Court of First Instance for Corruption and Organized Crime."³⁴

The session of the Judges of the Constitutional Court on 23.10.2023, in accordance with Article 21, paragraph 1, of Law No. 8577, dated 10.02.2000, "On the organization and functioning of the Constitutional Court of the Republic of Albania," as amended, has decided to refer the case for review in a plenary session based on the documents".

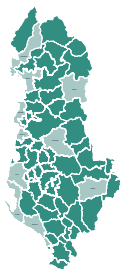
There has been no notification from the Constitutional Court regarding the date of the plenary session for the review of the Beleri case. Moreover, what has been observed during the information gathering phase and the relevant court decisions is the lack of transparency from the Constitutional Court regarding the notification of the transfer of the case for review in a plenary session concerning Mr. Beleri's request. The only information available has been provided through a press release, but the decision made on the date of the 23rd has not been publicly disclosed.

³¹ Decision No. 371, dated 18.09.2023, of the Special First Instance Court for Corruption and Organized Crime. https://shqiptarja.com/uploads/ckeditor/655786219084e00-2023-1810_001.pdf

³² Ibid.

³³ http://www.gjykataelarte.gov.al/gjl_ceshtje_detaje.php?caselid_sel=2023-01702&ln=Lng1&uni=20231215141603791061232235032321

³⁴ <https://shqiptarja.com/lajm/gjykata-kushtetuese-e-kalon-per-shqyrtim-dosjen-e-fredi-belerit>



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Meanwhile, on 11.12.2023, in Albania, the Special Court of First Instance for Corruption and Organized Crime dismissed the request of Mr. Beleri, the elected Mayor of Himara, to be granted with special leave in order for him to take the oath in front of the Municipal Council, as this situation it is not stipulated by law. In the sections where special leaves are to be granted, i.e., taking of the oath and return of Mr. Beleri to prison.³⁵

In the understanding and interpretation of this decision announced by the Special Court of First Instance for Corruption and Organized Crime (SCAC), it appears that there is a legal gap. If this were addressed with a specific provision in Law 81/2020, it would not hinder the court from granting Mr. Beleri the right to obtain special leave to take the oath before the Municipal Council, while the criminal case continued its examination.

Following the logic applied by the Court, Mr. Beleri is currently in a situation where he has been elected as Mayor of Himara by a majority vote from the electorate. However, he is unable to take the oath and fulfill his duties to the citizens who elected him due to the imposition of a personal security measure of "detention in prison" against him. Moreover, Albanian legislation does not provide any specific provision for granting special leave beyond those explicitly outlined in Law No. 81/2020. Given these circumstances, it is imperative to undertake an analysis to evaluate the implications and repercussions of this legal gap and how well it safeguards both the personal interests of the elected Mayor and the interests of the unrepresented voters.

The solution to overcome this legal gap and prevent similar situations to Mr. Mr. Beleri's in the future is

to amend Article 73 of Law 81/2020 and ensure its prompt approval by the legislature, reflecting the current will, even though accelerated procedures, as an alternative.

This would not in any case prejudice the progress of the criminal proceedings against him. In any case, according to Article 30 of the Constitution of the Republic of Albania, everyone is presumed innocent until proven guilty by a final court decision.³⁶

Beleri's case is one of the most internationally politicized issues, placing a significant burden on Albania to navigate through. Since the beginning of the legal proceedings against Mr. Beleri, Greece has called upon Albania to uphold the right of the elected mayor of Himara to take the oath and has threatened to impose a blocking veto on the opening of the initial negotiation chapters between Albania and the European Union. On 13.10.2023, during the EU-Western Balkans Summit³⁷, Greece imposed a veto, resulting in the "punishment" of Albania, as the EU did not set a date for the opening of the chapters of the "Fundamentals" Cluster.

The prosecution's procedure and the back-and-forth of transferring the case from one court to another create the perception that the entire legal process may have been "compromised" or influenced by political pressure. This situation undermines public confidence in the justice system, particularly considering the outcome and the consequences it has had for Albania and its path towards EU membership negotiations.

As a result of the detention of the elected Mayor of Himara, Fredi Beleri, who was prevented from taking the oath to officially assume the mandate, Jorgo Goro has remained in charge of the Municipality.

³⁵ <https://www.zeriamerikes.com/a/7393246.html>

³⁶ *In accordance with Article 30 of the Constitution, everyone is presumed innocent until proven guilty by a final court decision. The presumption of innocence encompasses multiple aspects, one of which is the principle of "in dubio pro reo," meaning that any doubt benefits the accused, and the burden of proof primarily rests with the prosecution.*

³⁷ <https://top-channel.tv/video/beleri-bllokon-integrimin-be-nuk-hap-kapitujt-me-shqiperine-breaking-top-news/>

FINDINGS FOR EACH MUNICIPALITIES

MUNICIPALITY OF ELBASAN

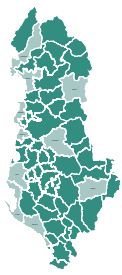
Promise	Comments	Status
Reconstruction of "Jonuz Carciu" school and reconstruction of 9-year school "Naim Frashëri"	For the third consecutive year, the Municipality of Elbasan continues to await funding from the state budget, as their response indicates that "due to the high cost of the estimate, it is not possible for these projects to be financed by the budget of Elbasan Municipality."	Unfulfilled promise
Establishment of a fruit collection hub in Shushica, Bradashesh	In its response, the Municipality specifically noted that "consideration has been given to establishing a fruit collection hub in the administrative unit of Shushica, at the former state reserve center site."	Unfulfilled promise
Construction of Funari road	The project implementation will begin after the procurement process is completed.	Unfulfilled promise
Clearing of Shushica River.	The Municipality acknowledges that "the latest investment was made in January 2022 using ASHP tools, And there have been no further investments since then."	Unfulfilled promise

MUNICIPALITY OF LEZHA

Promise	Comments	Status
Reconstruction of 'Dedë Ndue Lazri' Cultural Palace	On December 19, the "Ded Ndue Lazri" Cultural Palace in Lezha reopened its doors to artists and the public with a special ceremony.	Fulfilled promise
Construction of Tale road	In the latest investment, a sidewalk and lighting were added to one side of the main road of Tales, extending 2.7 kilometers. Meanwhile, the road connecting Tales beach, with a length of 550 meters, was constructed from scratch.	Fulfilled promise
(I want to play) 'Dua të luaj' project	The playground area, including sports fields, was completed by November 2023. However, the site was still surrounded as a construction site because the platform over the Drin River had not been finished yet.	Partially fulfilled promise
Reconstruction of the building in 'Besëlidhja' neighborhood	The reconstruction has not yet started, despite the building being demolished two years ago.	Unfulfilled promise

MUNICIPALITY OF SHKODRA

Promise	Comments	Status
The market in the Rus neighborhood in Shkodra	This project is in the procurement process.	Partially fulfilled promise
Rehabilitation of the Bërdic-Bahcallëk and Shirokë-Zogaj roads	Municipality of Shkodra approved the infrastructure permit back in 2022. Meanwhile, FSHZH (the implementing body) states that they are awaiting two additional permits. (Environmental permit and the construction permit)	Unfulfilled promise
New pier in Shkodra	The construction of the piles is in progress, and work has begun on the beam and the wall above the piles, which will serve as the surrounding wall of the pier. Additionally, the works for the main wastewater discharge collector are nearing completion, along with the construction of the control wells.	Partially fulfilled promise
Action to free public spaces	Municipality of Shkodra has established working groups consisting of market authorities, municipal police, and regional administrators to identify possible spaces for conversion into markets, and this action will continue.	Partially fulfilled promise



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MUNICIPALITY OF KORÇA

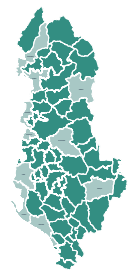
Promise	Comments	Status
Rehabilitation of the Lekas-Voskopojë and Voskopojë-Krushovë roads	From the on-site verifications, it appears that a section of the road (the road to the village that is located on the slope of Ostrovica mountain) remains unpaved.	Partially fulfilled promise
Resolving the issue of polluted waters in Melčan.	The sewage network has left out the houses in the "Përtemi" neighborhood.	Partially fulfilled promise
Construction of a winter resort - SKIPISTA.	The Municipality of Korça acknowledged to Faktoje that they have yet to secure financing for this project. Additionally, the location of the Winter Resort and Ski Slope has not been determined.	Unfulfilled promise
Construction of a tourist and sports airport in Korça	In the Lumamas village, where the airport will be built, there are visible signs of work, but the progress is still far from the airport as shown in the 3D videos	Unfulfilled promise

MUNICIPALITY OF DIBËR

Promise	Comments	Status
Promises made to asphalt the road of (Lekaçe neighborhood)	The road in the Laka neighborhood has been fully asphalted. The investment value is 45,270,928 ALL including VAT.	Fulfilled promise
Asphalting of the Upper Bresti road.	Municipality of Dibra states that construction of the road has not started yet because the project is in the procurement phase.	Unfulfilled promise
Irrigation of 500 hectares of agricultural land in Maqellarë.	Municipality of Dibra states that the project is currently in the planning stage, and there is no specific timeframe for its start.	Unfulfilled promise
City facades	The 151 million ALL investment has been completed in several neighborhoods, with work now ongoing on "Gjok Doçi" street in the city.	Fulfilled promise

MUNICIPALITY OF DURRËS

Promise	Comments	Status
Construction of the public parking building in the city center	Work has started, albeit with a delay, and it remains to be verified if they will be completed in April 2024 as stipulated in the contract.	Partially fulfilled promise
Paving of two streets in Sukth	The reconstruction of the two promised roads in Sukth Municipality has been completed.	Fulfilled promise
Reconstruction of the Children's Cultural Center/ CCC	The Children's Cultural Center in Durrës has been undergoing reconstruction since May, but it has not yet been completed, despite the project deadline being 4 months.	Partially fulfilled promise
Rehabilitation of 1990s buildings as the model for neighborhood 18.	36 families in neighborhood No. 5 have been waiting for months for the lottery draw of the apartments, 4 years after the November earthquake.	Unfulfilled promise



MUNICIPALITY OF KAVAJA

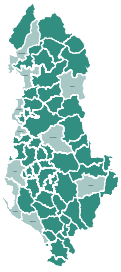
Promise	Comments	Status
Monthly bonus of 5,000 ALL for each newborn.	The municipality confirms that the 5,000 ALL monthly bonus has not been given to any of the families that have had babies after the local elections.	Unfulfilled promise
Immediate city-wide cleanup	The Municipality of Kavaja has not provided any response regarding the timing and frequency of cleaning in the city.	Unfulfilled promise
Construction of the Recreational Park in Kavaja	The park is covered in waste, lacking benches and greenery. The Municipality of Kavaja officially admits that the process for starting the work has not yet been finalized.	Unfulfilled promise
Permanent solution to the water issue (Karpen and Rrakull Village)	The project is still in the planning phase	Unfulfilled promise

MUNICIPALITY OF FIER

Promise	Comments	Status
Building a contemporary market for wholesale trading of agricultural products.	The Municipality of Fier is in the study phase for the establishment of a contemporary market for agricultural products.	Unfulfilled promise
Rehabilitation of Libofsha center	The Municipality of Fier admits to Faktoje that There is still no funding for Libofsha center.	Unfulfilled promise
Construction of the road from Ardenica Monastery to 'Shëngjergji Church' in Libofsha.	The Municipality of Fier has confirmed that the drafting of the plan for the reconstruction of the road depends on the "Rehabilitation of the Libofsha Center" project, which has not yet started.	Unfulfilled promise
Completion of the road infrastructure rehabilitation In Levan district & completion of the drainage system rehabilitation works;	The Municipality of Fier has stated that the rehabilitation of the road infrastructure In the Administrative Unit of Levan began in 2015 and is expected to continue until 2030.'	Partially fulfilled promise

MUNICIPALITY OF VLORA

Promise	Comments	Status
City cleaning	The municipality of Vlora states that the waste bins have not been added yet.	Unfulfilled promise
Construction of the intercity bus terminal	The municipality of Vlora informs that a project idea has been developed, but currently, there is no approved implementation project for the bus terminal.	Unfulfilled promise
Construction of daily centers for the elderly in every district of the city.	The current daily center for the elderly only operates three times a week until 1:00 PM, being more closed than open throughout the week.	Unfulfilled promise
Re-qualification of the city district of the city.	The municipality reports that it is in the feasibility study phase for the reconstruction of markets.	Unfulfilled promise



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MUNICIPALITY OF HIMARA

Promise	Comments	Status
Ensuring 24-hour water supply for Himara city	The promise for the new water supply system in Himara can be considered partially fulfilled so far.	Partially fulfilled promise
Construction of Tërbac village road	The Municipality of Himara has the project for the road leading to the village of Terbac, but has not yet found funding	Partially fulfilled promise
Construction of Kudhës village road	In the absence of a concrete plan for infrastructure investments, we consider the promise to be unfulfilled.	Unfulfilled promise
Reconstruction of the old Pilur road	The Municipality of Himarë has completed the tender procedure and announced the winner, but the work has not yet started.	Unfulfilled promise

SOCIAL FUND

The advantages and benefits:

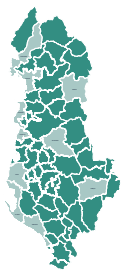
- The social fund aims to provide financial support to local government units to improve the standards and administrative capacities of existing social care services, create new services, and develop social policies in municipalities.
- Through the allocation of the Social Fund, municipalities are given the opportunity to establish social services in their territories for vulnerable groups, ensuring minimum social services (service basket) and sustainability of current services according to the specific needs of the territory specified in the Social Local Plan.
- Through the social fund, municipalities have the opportunity to establish sustainable partnerships with civil society, working together to enhance the quality-of-service provision and ensure social protection for all vulnerable groups, within a financing agreement between the Ministry of Health and Social Protection and the municipalities in the event of benefiting from the Social Fund.

Major issues:

- There is no information available on the official website of the Ministry of Health and Social Protection (MHSP) or the State Social Service regarding the projects funded each year by the Social Fund, beneficiary municipalities, the allocated amount for each year, and the level of project implementation. To enhance transparency and accountability of the responsible institutions at both the central and local levels, it is recommended that this

information be regularly published on the official websites of the Ministry and municipalities regarding funding from the Social Fund.

- The current legal framework, specifically Law No. 121/2016 *“On Social Care Services in the Republic of Albania,”* provides for the establishment and functioning of the Social Fund at both the central (Ministry level) and municipal levels. However, the bylaws such as DCM No. 111 dated 23.2.2018, and also in DCM No. 150 dated 20.3.2019, which defines the functioning of the financial mechanism for funding the social fund, lacks legal provisions regarding specific guidelines on how the social fund should be established and managed at the municipal level. To address this deficiency, it is recommended to revise DCM No. 111/2018 to provide for the establishment and functioning of the social fund not only at the central level but also at the municipal level.
- Municipalities, especially the smaller ones, struggle with implementing public procurement rules and lack the capacity to conduct such procedures. This could have negative effects on the use and management of the Social Fund.
- Procurement procedures for social care services present several challenges for municipalities. One issue that requires attention is the possibility that legislation provides for NGOs to reserve the right to participate in public procurement procedures for certain designated organizations to provide specific social care services under contracts. However, despite this provision, DCM No. 768/2021 outlines criteria that



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organizations should fulfill to take part in these procurement procedures. One such restrictive criterion states that organizations should not have been awarded contracts for providing social care services within the last three years. Given the limited presence of specialized NGOs offering particular social services, especially in smaller municipalities, this provision complicates the practical implementation of public procurement legislation for managing of the Social Fund by municipalities. To address this challenge, it's advisable to reconsider DCM No. 768/2021 regarding the limitation on the eligibility period for organizations if they have been awarded contracts in the last three years.

- Furthermore, the provision outlined in DCM No. 768/2021 regarding the absence of procurement procedure development for services with an annual financing value not exceeding 20,000,000 ALL has posed challenges for municipalities in its practical implementation. This has resulted in confusion and uncertainty about the appropriate procurement procedure to be employed. To address these issues, it is recommended to enhance and reinforce resources and human capacities within municipalities and offer technical assistance concerning the procurement procedures for social care services.

On July 5, 2023, the Ministry of Health and Social Protection approved funding for 12 municipalities. These municipalities will benefit from projects in 2023 through the Social Fund aimed at expanding social services within their territories. To facilitate this, cooperation agreements have been signed between the State Social Service and the 12 Mayors of the Municipalities³⁸ to monitor the services financed by the Social Fund in 2023.

During the signing ceremony, the Minister of Health and Social Protection affirmed the

central government's commitment to supporting municipalities, with the aim of enhancing local social plans to include more services for those in need. The Social Fund for 2023 saw a 30% increase, reaching a total support of 300 million ALL for all municipalities³⁹

To verify the amount received from the Social Fund and the duration of municipal support monitoring (Dibër, Durrës, Elbasan, Fier, Himarë, Kavajë, Korçë, Lezhë, Shkodër, and Vlorë), Faktoje asked for information from the respective municipalities and the State Social Service. Upon gathering the data, it was revealed that, out of all the municipalities under monitoring, only Himara has never received benefits from the social fund.

Meanwhile:

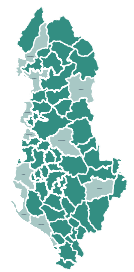
Municipality of Dibra was a beneficiary in 2020, but did not utilize the funds due to the challenges posed by the COVID-19 pandemic in service implementation.

Municipality of Kavaja benefited from the Social Fund program in 2021, (receiving funding for one year as the project lasted for 12 months). The allocated amount from the social fund was 2,380,000 ALL.

- Municipality of Durrës has been a beneficiary of the Social Fund program since 2020 and continues to be so from 2020 to 2024.
- Municipality of Lezha has been a beneficiary of the Social Fund program since 2020 and continues to be so from 2020 to 2024.
- Municipality of Elbasan has been a beneficiary of the Social Fund program since 2020 and continues to be so from 2020 to 2024.
- Municipality of Korça has been a beneficiary of the Social Fund program since 2021 and continues to be so from 2021 to 2024.

³⁸ Municipality of Bulqiza, Cërrik, Fier, Gramsh, Kamëz, Klos, Lezhë, Maliq, Pogradec, Polican, Pukë dhe Selenicë

³⁹ <https://www.oranews.tv/newsmobile/1097029/>



- Municipality of Vlora has been a beneficiary of the Social Fund program since 2021 and onwards, from 2021-2024.
- Municipality of Shkodra has been a beneficiary of the Social Fund program since 2022 and continues to be so from 2022 to 2024.

Regarding the amounts allocated to each municipality in accordance with the 90%-60%-30% scheme, below you'll find organized information in tabular form specifying the municipality, project, and the funding for the year 2023 in relation to the implementation year of the projects.

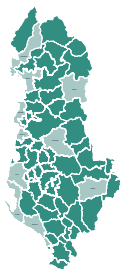
In 2023, under the 90% allocation, Municipality of Lezha received funding for quality multifunctional community-based services, totaling 2,201,108 ALL for the first year of project implementation. Similarly, Fier Municipality obtained funding for community services and the development of

quality multifunctional community-based services, amounting to 2,383,160 ALL for the initial year of project implementation.

Based on the information provided by Municipality of Lezha, it appears that they were a beneficiary of the Social Fund in 2023 for the implementation of the project for quality multifunctional community-based services. This project will be implemented over a period of 3 years. For this duration, the total fund amount is 8,703,080 ALL. Allocation of the fund over the years is as follows:

For the year 2023, corresponding to the first year of project implementation, a fund of 4,402,217 ALL was allocated; However, since the project implementation start was delayed to the second half of 2023, the funding for the project was provided for the period (June-December 2023), amounting to 2,201,108 ALL. This amount aligns with the figure provided by the State Social Service.

No	Municipality	Project title	Financing for 2023 at a 90% rate for 6 months	Year of implementation
1	Poliçan	Daily Social Center.	2,653,952	I
2	Selenica	Mobile Service for PWD (Persons with Disabilities)	1,780,000	I
3	Gramsh	Specialized service for children and youth with disabilities in families and at the daily center in Gramsh Municipality	2,632,000	I
4	Bulqiza	Specialized service for children and youth with disabilities in families and at the daily center in Bulqiza Municipality	2,605,000	I
5	Klos	Social services for communities in need	1,938,000	I
6	Maliq	Supportive and empowering services for families and PWD - Mobile services near the Maliq Community Center	1,618,348	I
7	Fier	Community services and the development of quality multifunctional community-based services.	2,383,160	I
8	Kamëz	Multifunctional Community Center	4,368,903	I
9	Cërrik	Multifunctional community-based services.	1,576,974	I
10	Puka	Daily social care services for the elderly in the Municipality of Puka.	1,021,800	I
11	Lezha	Quality multifunctional community-based services.	2,201,108	I
12	Pogradec	Supportive physiotherapy and psychosocial services for PWD (Para tetraplegic) - Daily rehabilitation services	944,256	I



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No	Municipality	Typology of the service	Funding for 2023 at a rate of 60%	Year of implementation
1	Patos	“Home-based service for individuals with mental health disabilities in the Municipality of Patos”	1,244,000	II
2	Delvina	Daily center for the elderly	2,609,800	II
3	Shkodra	Family for every municipality (shelter for children without parental care)	8,612,016	II
4	Saranda	Multifunctional center for children’s development and family empowerment	4,124,972	II
5	Kolonja	Daily Center for the Elderly	3,523,152	II
6	Tepelena	Community mobile service for the elderly “Always Together”	3,630,240	II
7	Devoll	Mobile social services	2,402,667	II
8	Malësia e Madhe	In-home care for the elderly	1,830,000	II
9	Roskovec	Daily service for the elderly	1,156,050	II

For the year 2024, corresponding to the second year of project implementation, the projected funding at a 60% rate from the Ministry of Health and Social Protection is 2,729,299 ALL.

For the third year of project implementation in 2025, the projected funding at a 30% rate from the Ministry of Health and Social Protection is 1,571,564 ALL.

Regarding the Municipality of Fier, according to the information provided by this municipality, it appears that it was a beneficiary of the Social Fund on July 6, 2023, where the State Social Service sent the funding agreement for the provision of social care services at the County and Municipal levels. For the three-year period, the total fund amount is 9,431,288 ALL. Based on the information made available by the municipality, it is difficult to understand the allocation of funding for the entire project implementation period, according to the years.

For the second year of project implementation in 2023, the Municipality of Shkodra received 60% funding, with a project value of 8,612,016 ALL for the second year of project implementation.

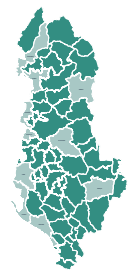
The Municipality of Shkodra applied to the Ministry of Health and Social Protection for the social fund in 2022 and was successful. Since the beginning

of 2022, the municipality has been supported through the Social Fund scheme for a 36-month period (January 2022 - December 2024). The fund allocation follows the disbursement scheme (90%-60%-30%).

For the first year, 90% of the total service provision costs were funded, amounting to 7,841,995 ALL. This corresponds to 7 months of service since the allocation was made in May 2022. The second year is financed with 60% of the project value, which is 8,612,016 ALL. The third year will be funded at a rate of 30%, with a sum of 4,158,672 ALL.

For 2023, municipalities under monitoring received 30% funding. This includes the municipalities of Korçë, Elbasan, Vlorë, Durrës, and Lezhë.

Municipality of Korça is a beneficiary of the Social Fund for a 3-year period (2021-2024) to establish a community-based support services center for children and families. The total monetary value of the benefit is 13,117,740 ALL. The funding for 2023 at a 30% rate for the third year of project implementation will amount to 3,946,724 ALL. However, this municipality has not provided complete information regarding the allocation of funding for the entire project implementation period.



The Municipality of Elbasan, in its response, mentioned that it has been a beneficiary of the Social Fund scheme for several years since 2020, with various projects. One of the projects implemented over a 3-year period from 2020 to 2022 involved the establishment of a multifunctional center in Shushicë, implemented in collaboration with Terre de Hommes. The funding for 2023 at a 30% rate for the third year of project implementation amounts to 1,715,945.16 ALL. However, Municipality of Elbasan has not provided information regarding the total project implementation value and its allocation over the entire implementation period.

Furthermore, Elbasan Municipality utilized Social Fund support to execute a project involving mobile units in administrative areas and in-home services for children with disabilities. However, this project faced delays due to the 2019 COVID-19 pandemic

Municipality of Vlora has been a beneficiary of the Social Fund for a 3-year term spanning from 2021 to 2023, focusing on financing a new support service to prevent the institutionalization and deinstitutionalization of children from social care institutions.

- The allocated funds from MHSP for 2021 has been 11,682,740 ALL;
- The allocated funds from MHSP for 2022 has been 8.018.188 ALL;
- For 2023, which corresponds to 30% funding of the project value and the third year of its implementation, the allocated fund from MHSP is 3,971,270 ALL.

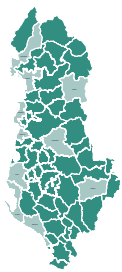
Municipality of Durrës, in collaboration with World Vision, has implemented a project aimed at establishing an Emergency Protective and Empowering Center for children and families. This project has been implemented in 2020 and further on. The total fund for 3 years amounted to 39,421,264 ALL. For 2023, corresponding to 30% funding of the project value and the fourth year of implementation, the allocated fund from MHCS is 3,536,784 ALL. However, comprehensive information on fund allocated throughout the project implementation period was not provided by this municipality.

According to the provided information, the Municipality of Lezhë has implemented the project “Mobile Service for Children with Disabilities in Lezhë Municipality,” which was awarded under the first call for project proposals of the Social Fund program initiated by the Ministry of Health and Social Protection. This project began its implementation in 2020 and is currently in its fourth year of implementation. The allocation of the fund over the years is as follows:

- In 2020, the allocated fund from MHSP was 3,308,760 ALL.
- In 2021, the allocated fund from MHSP was 2,931,572 ALL.
- In 2022, the allocated fund from MHSP was 1,172,000 ALL.
- For 2023, the allocated fund from MHSP was 1,172,000 ALL.

This information is also confirmed by the State Social Service, which indicates that the fund for 2023, corresponding to 30% financing of the project’s value, is 1,172,000 ALL.

No	Municipality	Typology of the service	Funding for 2023 at a rate of 30%	Year of implementation
1	Korca	Community-Based Center for Support Services for Children and Families	3,946,724	III
2	Rrogozhina	“Hello Life, a mobile service for children with disabilities,” in the municipality of Rrogozhina,	2,192,016	III
3	Kukës	Establishment and operation of emergency shelter for women and girls affected by violence living in rural areas.	1,665,506	III



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4	Elbasan	Establishment of multifunctional community services for children, youth, and families in the administrative unit of Shushica	1,715,945.16	III
5	Vlora	Prevention of institutionalization and deinstitutionalization of children from social care institutions.	3,971,724	III
6	Durrës	Center for protective, empowering, and emergency services for Children and families	3,536,784	IV
7	Gjirokastra	Providing services for gender-based violence victims	1,987,018	IV
8	Lezha	Mobile Services "Hello... Life" for Children with disabilities	1,172,000	IV
9	Librazhd	Integrated community service for children and youth with disabilities, through the Hello Life program and the Community Services.	2,503,632	IV
10	Belsh	Daily Social Center for the Elderly	1,233,900	III
11	Prrenjas	Prrenjas Daily Center for the Elderly	2,340,000	III
12	Berat	"Strehëza" Center	1,164,000	III
13	Lushnje	Daily service for children aged 3-6 with disabilities	1,249,600	III

If we examine the allocation of the funds in the Social Fund program for 2023 to municipalities across the country, it shows that the total amount allocated is 83,535,247 ALL, compared to the planned amount of 300,000,000 ALL. In 2023, the Ministry of Health and Social Protection provided financial support for 34 services in 33 municipalities under the Social Fund.

The social fund serves as a financial mechanism for the establishment and expansion of social services. Article 47 of Law No. 121/2016⁴⁰ "On social care services in the Republic of Albania" specifically states that *"the Municipality, in cooperation with the ministry responsible for social issues, establishes and manages the social fund, through which financial support is provided for local government units."* It is established and managed by municipalities in collaboration with the Ministry responsible for social issues. *nim me Ministrinë përgjegjëse për çështjet sociale.*

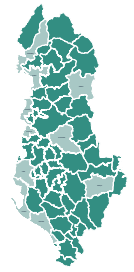
The social fund aims to provide financial support to local government units to improve the standards and administrative capacities of existing social care

services, create new services, and develop social policies. It is designed to finance social care services at the local level and support the establishment of new services, in accordance with approved local plans for various funding sources towards resources secured at the local level. State budget funding supports up to 90% of the costs for the first year of service provision, up to 60% of the costs during the second year of service provision, and then 30% of the costs.⁴¹

Thus far, none of the municipalities have managed to establish their own Social Fund. Instead, it has been the Ministry of Health and Social Protection that has financed new services in the regions for immediate protection of vulnerable groups. Through the allocation of the Social Fund, municipalities are provided with the opportunity to develop social services in the region for those in need, ensuring minimum social services (service packages) as well as the sustainability of current services according to the specific needs of the region outlined in the Local Social Plan.

⁴⁰ <https://qzb.gov.al/eli/ligj/2016/11/24/121-2016>

⁴¹ DCM No. 150, dated 20.03.2019, "On the methodology for calculating the social care services funding."



On July 5, 2023, the Ministry of Health and Social Protection approved funding for 12 municipalities. These municipalities will benefit from projects in 2023 through the Social Fund aimed at expanding social services within their territories. To facilitate this, cooperation agreements have been signed between the State Social Service and the 12 Mayors of the Municipalities⁴² to monitor the services financed by the Social Fund in 2023.

During the signing ceremony, the Minister of Health and Social Protection pledged the central government's support for municipalities to expand the range of services for vulnerable groups in their local social plans. The Social Fund for 2023 saw a 30% increase, reaching a total support of 300 million ALL for all municipalities⁴³.

The Social Fund comprises:

- annual revenues from the State Budget;
- off-budget financing from local or foreign organizations or individuals;
- revenues from fees for various social care services;
- revenues from the ministry responsible for social issues' own resources and assets;
- revenues from the municipality's own resources and assets.

Any financial resources in the social fund that remain unused at the end of the fiscal year are carried over to the budget of the following year as part of the social fund.

Given that social services have traditionally been provided through the non-public sector, primarily funded by international partners, international NGOs, and local organizations aiming to supplement public service provision, municipalities now have the opportunity, through the social fund, to establish sustainable partnerships with civil society by collaborating to enhance service quality and ensure

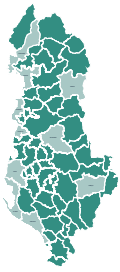
social protection for all vulnerable groups, under a financing agreement between the Ministry of Health and Social Protection and municipalities benefiting from the Social Fund.

To facilitate the establishment and provision of social services, a comprehensive legal framework has been adopted. Among the most important laws is:

- Law No. 139/2015, "On Local Self-Government," which plays a crucial role in assigning responsibilities and new functions to Local Self-Government Units (LSGUs), including in the field of social care services. This law regulates the identification, assessment, and planning of measures to meet the needs of the community in general and of specific vulnerable groups. It also sets requirements for financial resource planning and multisectoral cooperation at the local level, involving all actors, both public and private, engaged in social protection programs and services.
- The Law on Social Care Services (No. 121/2016) establishes a clear framework for the institutional structure and division of competencies and responsibilities in the field of social care services. It defines the role and competencies of the Ministry of Health and Social Protection (MHSP), which is responsible for:
 - Draft the policy documents of reforming and modernizing the system of social care services, in order to improve effectiveness and their provision;
 - Draft and update the minimum standards of service provision;
 - Define the criteria and conditions to be met by the subjects providing social care services;
 - Plan, as a separate item in the budget, the funding of social care services delegated to municipalities as a transfer to the social fund;

⁴² Municipality of Bulqiza, Cërrik, Fier, Gramsh, Kamëz, Klos, Lezhë, Maliq, Pogradec, Polican, Pukë dhe Selenicë

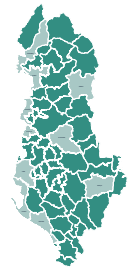
⁴³ <https://www.oranews.tv/newsmobile/1097029/>



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- Give advice and instruct the local government units on the structures to be established by them for the enforcement of the system of social care services and the manner of planning and providing services;
- Draft and submit for approval the funding needs by the State Budget on the activities of the social care services.
- Additionally, another crucial institution is the State Social Service, which operates under the ministry responsible for social affairs and is responsible for:
 - make the needs assessment of social care services;
 - collect, analyze and process information on the progress of the system of social care services;
 - draft the annual report of needs assessment for the social care services and for the capacity of public and non-public services;
 - coordinate the process of drafting of social plans, by ensuring compliance of these plans with the national strategies;
 - update and maintain the National Electronic Register with data on the beneficiaries and subjects requesting social care;
- Inspectorate of Social Care Services:
 - control enforcement of the criteria and conditions by the public and non-public subjects providing social services;
 - inspect the standards of services provided by the providers of the social care services;
 - cooperate with and give information to other state bodies over cases falling under their competence, concerning the activity of provision of social care services;
 - inspect the premises and documentation of subjects that provide social care services, etc.
- The Municipality is the institution that provides and administers social care services within its territory by:
 - identifying and assessing the needs based on the vulnerability map;
 - drafting the local social plan;
 - planning local budget;
 - planning the main basket of social services;
 - contracting the provider of social care services through procurement procedures;
 - coordinating the necessary social care services with the State Social Service.
- The Regional Council is responsible for:
 - preparing a regional social plan which will be coordinated with the social plan of the local government units and it shall submit such plan to the ministry responsible for social affairs.
 - The Head of the Region shall decide providing specialized services in regional coordination of cases of social care services established at regional level.
 - The head of the region shall establish the “ad hoc” needs planning committee consisting of representatives from all the local/regional structures and civil society, based on voluntary participation.
- DCM No. 768, dated 15.12.2021, “*On the determination of types of social services and specific services, types of special services for which the right to participate in public procurement procedures may be reserved by organizations, and detailed rules for their procurement,*” allows local government units to transfer public funds to NGOs in accordance with Local Social Plans for the procurement of these funds for providing social services at the local level, in compliance with the current legislation on Public Procurement.



Law No. 121/2016 delegates the Council of Ministers (CoM) and the Ministry of Health and Social Protection (MHSP) to issue sub-legal acts for the establishment, operation, and administration of the Social Fund.

According to point 4 of Article 47⁴⁴ of Law No. 121/2016, the Council of Ministers approved Decision No. 111/2018 "On the Establishment and Operation of the Social Fund,"⁴⁵ which specifies that the Social Fund is established as a financial mechanism through which financial support is provided to local government units to achieve the goals set out in this article.

Decision No. 111/2018 regulates the establishment of the social fund as a financial mechanism under the administration of the MHSP, through which financial support is provided to local government units to improve the standards and administrative capacities of existing social care services, plan and create new services, and develop social policies. Therefore, the entire process and operation of the mechanism are carried out by The MHSP, while there is no regulation regarding the operation of this mechanism at the municipal level.

DCM No. 111/2018 imposes several duties on municipalities to benefit from the financing mechanism for social care services. The local government unit must conduct a preliminary assessment of the needs for providing social care services at the local level, in line with the strategic development plan and the medium-term budget program. It should also evaluate the financial capacities and human resources that support the provision of social care services at the local level and ensure the continuity of providing at least those services that have been offered over the past three years.

Moreover, DCM No. 111/2018 provides for the possibility for the Ministry responsible for social

issues to transfer funds to local government units for the financing of social care services (planned in its budget), based on the approved and budgeted Local Social Plans. In this regard, municipalities are conditioned to receive these funds based on the existence of approved and budgeted Local Social Plans.

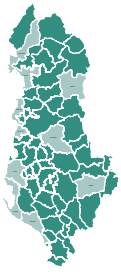
As mentioned earlier, in most cases, municipalities do not have the capacity to provide social care services themselves and have therefore entered into partnerships with local non-profit organizations. DCM No. 111/2018 has also stipulated and regulated this aspect by providing for cases when municipalities cannot provide social care services themselves for which they have sought financial support through the Social Fund.

As per Article 5.1 of the DCM, social care services, which are deemed essential by the municipality but are beyond its capacity to provide, can be outsourced to non-profit organizations, such as social enterprises or similar entities, operating in the private sector. The local government unit is responsible for procuring these services and entering into contracts with service providers, giving priority to social enterprises.

Regarding the monitoring of the social fund's implementation in providing social care services, DCM No. 111/2018 states that "*The local government unit shall report to the State Social Service every four months on the provision of social care services financed through the social fund.*" However, there are no specific guidelines on the reporting process, as it is expected to result from a monitoring process conducted by the Local Government Unit for the services funded by the Social Fund, whether they are new or improved. Therefore, it is essential to amend this DCM to address this issue or to develop specific regulations by the State Social Service, in coordination with the

⁴⁴ Article 47, paragraph 4 of Law 121/2016: 4. The procedure of creation and functioning of the social fund shall be governed and approved by decision of the Council of Ministers.

⁴⁵ <https://qbz.gov.al/eli/vendim/2018/02/23/111>



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Ministry of Health and Social Protection, regarding the reporting methods, types, frequency, and documentation, among others.

As previously mentioned, Local Government Units procure social care services in accordance with public procurement regulations and contract with non-public providers or non-profit organizations.

Legislation on the procurement of social services specifies: i) the procedures to be followed by the local government unit or municipality in procuring public funds; the duties, roles, and responsibilities of specialists involved in procurement; iii) the type of procedure to be selected based on the value of the contract being procured; the publication method; v) the evaluation of the price-quality ratio for selecting the best proposal from NGOs providing the service; vi) the requirement to ensure transparency and equality throughout the procurement process.

LSGUs develop technical specifications based on standards approved by the Ministry of Health and Social Protection (MHSP) for organizing and open tenders for social care services when provided by private legal entities. The detailed regulations for public procurement of social care services are based on the Council of Ministers' Decision No. 768, dated 15.12.2021,⁴⁶ *"On the determination of types of social services and other specific services, types of special services for which the right to participate in public procurement procedures may be reserved by organizations, as well as detailed rules for their procurement"*.

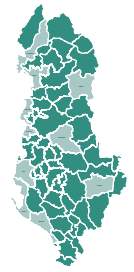
In accordance with this DCM, in conducting procurement procedures for social care services, LSGUs, as the contracting authority, should act in compliance with the principles of transparency, equal treatment of economic operators, and promotion of competition. Procurement of social services allows for the transfer of public funds from local government units/municipalities to non-governmental organizations (NGOs) based on local social plans.

An article that requires particular attention and analysis is Article 3, *"Reserved Contracts for Specific Services"*. According to this article, LSGUs, as the contracting authority, may reserve the right to participate in public procurement procedures for specific organizations to award public contracts for particular social care services. However, despite this possibility, paragraph 2 of Article 3 of the DCM specifies criteria that the organization should meet to participate in the aforementioned procedures. Specifically, Article 3/2, point c) stipulates that organization **should not have been awarded a contract for the provision of social care services in the last three years.**

Given the limited presence of specialized NGOs offering particular social services, especially in smaller municipalities, this provision complicates the practical implementation of public procurement legislation for managing of the Social Fund by municipalities. Such restrictions can make municipalities, especially smaller ones, hesitant to apply to the MSHMS for benefits from the social fund. However, this can have negative effects and a direct impact on ensuring social care services for those in need.

Another issue is the need to build capacity and provide support for the procurement procedures of social care services. The lack of human resources or capacity at the LSGU level regarding this process impacts the successful implementation of procurement procedures and contract management, leading to the underutilization of the social fund. The only exception specified in the DCM regarding the lack of development of procurement procedures is for services with a value not exceeding 20,000,000 ALL during a financial year. In all other cases, LSGUs are required to adhere to the rules explicitly outlined in DCM no. 768/2021. However, LSGUs face difficulties in practical implementation and are unclear about the appropriate procurement procedure to follow.

⁴⁶ <https://www.app.gov.al/legjislacioni/prokurimi-publik/vkm/>



The Public Procurement Agency (PPA) responded to Fakteje regarding this issue, stating that services with a fund under 20,000,000 ALL within a calendar year are exempt from procurement procedures. Instead, the Contracting Authority shall conduct the procedure while adhering to the principles of transparency, equal treatment of economic operators, and promotion of

competition. This implies that municipalities should establish a selection procedure for the provision of social services, following the principles of transparency, equal treatment of economic operators, and promotion of competition, but without necessarily employing an open procedure as per Albanian legislation for the procurement of public services.

ANNEX 1

Request for information sent to 10 monitored municipalities

REQUEST

11.12.2023

FROM: Name Surname

Address:

Email:

TO: Municipality of _____

LEGAL BASIS:

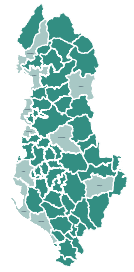
- ◆ Article 10 of the European Convention on Human Rights
- ◆ Article 19 of the International Covenant on Civil and Political Rights
- ◆ Article 23 of the Constitution of the Republic of Albania
- ◆ Law No. 119, dated 18.09.2014 "On the Right to Information"

Pursuant to the legal provisions of the acts listed in the above legal basis, I kindly request the information and relevant documentation for the following inquiries:

1 Has the Municipality's Annual Budget for 2020 and 2021 been consulted with the public? If so, kindly share with me copies of the notifications/announcements regarding the conduct of public

hearings, along with details of when and where notifications/announcements were published. Additionally, provide copies of the minutes from the conducted hearings, recommendations, and any other supporting documents for the implementation of this process.

- 2 Has the public been consulted on the local tax and tariff package for the period 2020- 2021? If so, please provide me with a copy of the notification/announcements for the conduct of public hearings, when and where the notification/announcements were published, copies of the minutes of the hearings held, copies of the recommendations, and other documents supporting the implementation of this process.
- 3 Has the public been consulted on the alienation of Municipality properties for the period January 2020-February 2021? If so, please provide me with a copy of the notification/announcements for the conduct of public hearings, when and where the notification/announcements were published, copies of the minutes of the hearings held, copies of the recommendations, and other documents supporting the implementation of this process.
- 4 Have the dates and times of the Municipal Council meetings for January 2020 to February 2021 been previously announced on the website or notice board? If so, please provide me with a copy of the notification/announcements of these meetings, when and where the notification/announcements were published,



copies of the minutes held, and other documents supporting the implementation of this process.

- 5 Have the dates and times of the Municipal Council Committee meetings for January 2020 to February 2021 been announced in advance on the website or notice board? If so, please provide me with a copy of the notification/announcements of these meetings, when and where the notification/announcements were published, copies of the minutes held, and other documents supporting the implementation of this process.
- 6 Have there been any prior notices on the website or public notice boards regarding the organization of Public Hearings by the Municipal Council for January 2020 to February 2021? If so, please provide me with a copy of the notification/announcements of these meetings, when and where the notification/announcements were published, copies of the minutes held, and other documents supporting the implementation of this process.
- 7 Has your municipality ever benefited from the Social Fund since its establishment? If so, what

was the period for which support was provided and in what monetary value?

Based on Article 3 of Law No. 119/2014 "On the Right to Information," which stipulates that *"Every person has the right to access public information, either through the original document or by obtaining a copy of it in a form or format that enables full access to the content of the document,"* I request the relevant documentation supporting the implementation of the processes referred to in the above questions.

According to Article 15 of Law No. 119/2014 "On the Right to Information," which stipulates that *"The public authority shall process the request for information, providing the requested information as soon as possible, but no later than 10 working days from the date of submission, unless otherwise provided by law,"* please provide the requested information and documentation within this legal deadline.

For any further communication regarding the clarification of the submitted request, you can also contact me via email at: **email: emermbierner@email.com**

Thank you,

Name Surname

This report was supported by the National Endowment for Democracy (NED).

The report was prepared by:

Enkelejd Musabelliu, Erisa Proko and Elira Canga

