

Albanian Development Fund

ABBREVIATED RESETTLEMENT ACTION PLAN

**FOR THE RESTORATION OF THE HISTORIC URBAN LANDSCAPE OF THE
“SELAMLLEK SQUARE”**

BERAT MUNICIPALITY

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Abbreviations

ADF	Albanian Development Fund
DCM	Decision of the Council of Ministers
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Management Framework
GoA	Government of Albania
GRM	Grievance Redress Mechanism
IoCM	Institute of the Cultural Monuments
IPRO	Immovable Properties Registration Office
LGC	Local Grievance Committee
LGU	Local Government Unit
MoC	Ministry of Culture
MIE	Ministry of Infrastructure and Energy
OMP	Operational Management Plan
OP	Operation Policy
PAP	Project Affected Persons
PCU	Project Coordination Unit
PIUTD	Project for Integrated Urban and Tourism Development
RAP	Resettlement Action Plan
ARAP	Abbreviated Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
WBG	World Bank Group
SAE	State Agency for Expropriation
MoB	Municipality of Berati

Definition of Resettlement-Related Terminology

<i>Project in Brief</i>	Definitions
<i>Application file</i>	Set of documents prepared to support the request for expropriation submitted to the respective authority
<i>Case file</i>	Set of documents that the Expropriation Commission finalizes in support of proposal for expropriation to the Council of Ministers
<i>Census</i>	A field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.
<i>Compensation</i>	Compensation is the payment in kind, cash or other assistances given in exchange for the acquisition of land including fixed assets, as well as other impacts resulting from project activities.
<i>Cut-off date</i>	Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cutoff date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.
<i>Expropriation Commission</i>	Special commission for application of the expropriation procedure in case of the sub activities.
<i>Expropriation Law</i>	Law No.8561/22/12/1999 ‘On Expropriation and Taking on Temporary Use of Private Property for Public Interest’; Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest”, (Article 6) outlines the rights and privileges of the owner of the private property that is expropriated; The New Law 111/2018 “On Cadastre” (Article 10) stipulates the conditions for transferring ownership of land without remuneration;
<i>Full replacement cost</i>	Method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of structures and assets should not be taken into account. For agricultural land it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes

<i>Land</i>	It refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.
<i>Land acquisition</i>	It means the repossession of or alienation of land, buildings or other assets thereon for purposes of the Project.
<i>Local Grievances Committee</i>	Local committee composed of three representatives: PAPs, Project; neutral expert to handle all grievances procedures in the affected areas and address PAPs concerns.
<i>Local Government Unit</i>	The LGUs include Municipalities and Administrative Units as per the new territorial division in force since June 2015.
<i>Project</i>	Project for Integrated Urban and Tourism Development
<i>Project Affected Person (s) (PAPs)</i>	PAPs are persons affected by land use or acquisition needs of the RAP in the framework of the project. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they must move to another location.
<i>Replacement cost</i>	It means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Albanian law for sale of land or property. In terms of land, this may be categorized as follows: (a) "Replacement cost for agriculture land" means the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.
<i>Resettlement Action Plan (RAP), Abbreviated Resettlement Action Plan (ARAP) or "Resettlement Plan"</i>	It is a resettlement instrument (document) prepared when projects locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAP is prepared by the party (Potential Developer) impacting on the people and their livelihoods. RAP contains specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities. RAP is a site specific report for the current known impacts and is prepared in conformity with the provisions of this RPF with the views of the PAPs.
<i>The Resettlement Policy Framework (RPF)</i>	It is an instrument to be used throughout the implementation of project activities as guidance tool. The RPF sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project.

INTRODUCTION

The Project for Integrated Urban and Touristic Development aims to deliver improved urban infrastructure, enhanced tourism assets, and strengthened institutional capacity for tourism related local economic development. Inhabitants and visitors of Berat, Gjirokastra, Saranda and Përmet, as well as of other locations of touristic interest along the so called “circuit of south Albania”, will soon be able to enjoy the first results of these interventions.

After the ratification of the financing agreement by the Albanian Parliament with the law Nr. 19/2017 “For the ratification of the loan agreement between the Republic of Albania and the International Bank for Reconstruction and Development for the financing of the Project for the Integrated Urban and Tourism Development” in March 2017, the work has been pursued in each of the project’s components: 1) urban upgrading and infrastructure improvement, 2) touristic sites upgrading, 3) tourism market and product development, 4) implementation support.

The Project for Integrated Urban Touristic Development (PIUTD) has identified Berat as one of the major locations for its Component 2 - “Urban Upgrading and Infrastructure Improvement”, which among others aims on improvement of supporting infrastructure.

The project aims the following:

- Improving selected touristic sites along the south of the Albania Touristic Corridor by inter alia: (a) restoring of selected heritage and cultural assets and creating rest stops or viewpoints; (b) repairing and improving site infrastructure such as pedestrian's pathways; (c) preparing the required feasibility studies, site management plans and engineering designs; and, (d) conducting construction supervision.
- Strengthening the capacity of municipalities to deliver municipal services through inter alia: (i) provision of asset management systems, geographic information systems and solid waste collection equipment; and (ii) establishment of site management capacity to enhance the operation of rehabilitated assets.
- Carrying out capacity building activities to strengthen the capacity of: Selected Municipalities to promote sustainable tourism growth including: (A) developing and implementing market research and product development strategies, (B) establishment of pilot

Destination Management Entities; and (C) establishment of a system for tracking sustainable tourism indicators, and central government agencies to promote sustainable tourism growth

PROJECT DESCRIPTION

The target area of the project is the tie node of the historic and the modern city. It includes the area around the former Selamlik of Vrioni Family and reaches out to “Pashai’s Gate”. The project also includes the area today occupied by “Llambi Goxhomani” school as well as an additional open space at the junction with Mihal Komneno road and Antipatrea road.

The former Selamlik of Vrioni Family and the “Pashai’s Gate” are Category I monuments, part of the former large construction complex of the Vrioni (seraglio), located in between the old historic quarter of Mangalem and the modern city, in proximity of a secondary school.

The project area falls under the UNESCO historic core, corresponding to the UNESCO Management Plan

2008 “Area 1”, *“This area contains the remains of a city of Ottoman Period. It is in a decayed framework and requires urban and architectonic rearrangement”.*



Existing Situation of Selamlik square

Object 1 (The former Selamlik of Vrioni Family) was conceived as a residence for guests. The structure is distinguished for the high quality of stone carvings and the graceful architectural

view. The ground floor is built of stone masonry. On its southern, northern and eastern sides, the arches supported the wooden upper floor, no longer existing. One part of the building still belongs to the original structure while another block, laying on a different level, has been made in recent times. Also, a terrace with unfinished concrete pillars has been recently added and the structure has been reinforced with concrete. Today the building has apparently no function.

The former Selamlik of Vrioni today presents a historical ruin, with no function and with high level of decay. Many interventions have been made to the existing structure, which actually lacks the volume of second floor. Some interventions have been made by adding some concrete pillars in a tentative for reconstruction. The historical documentation and the restoration project provided by the DRKK, proves that the western part of the building was reconstructed in 1996 without any distinctive techniques that testify the layers of time. Today it presents a hybrid structure in a high level of decay.



Existing condition of the former Selamlik of Vrioni

Object 2 (Pasha's Gate) is the only remaining gate out of three. It dates back to c. XVIII and) is a Category I monument, dated XVIII century, which was the old access to the compound. The gate is made of stone and has an elegant decorated arch overwhelming it, with carved garlands. Over the gate, a terrace used to run over the boundary walls. Today all the structure is in need of restoration.



Existing condition of The Gate of Pashai

Space 3 is intended to have an archeological survey. Beneath the soil might be found ruins of the former complex of Vrioni family.



Existing condition of surrounding are of former Selamllik Vrioni

Space 4 includes the secondary school and its courtyard. The school, which has been under-used for years, was demolished and its classes are merged with those in a nearby school, thus allowing a more efficient management of the education offer.

The demolition of the school is considered fundamental in the improvement of the tourist's experience in Berat, especially if the aim is to improve the historical landscape of Mangalem quarter and the Castle. The municipality agreed to its demolition and the Client had taken measures to reach agreement with the Ministry of Education to prepare the steps for relocation of the pupils.

The demolition of the school was performed in February, 2021.



Before demolition



After demolition

Existing situation of the Mangalem Quarter and the Castle

This intervention aims at regenerating the public spaces at the foot of the Mangalem hill. The area was part of the Vrioni Seraglio, demolished together with the Berat bazaar during the Socialist realism period. The Selamllëk remains as a reminder of that impotent structure.

This project responds to the PIUTD project development objective: foster locally based tourism economic development in the urban area. Within the framework of the IUDC the implementation of this project would offer an outstanding opportunity to develop an upgraded

urban space, thus becoming a flagship project, functioning as a gateway to the old town, a hinge in between Mangalem, the Eastern Hilly area and the Town Centre.

Expected outcomes

- Preserved urban and architectural values of the two Category I monuments.
- Approx. 4595 sq.m of rehabilitated urban space.

This project has two components:

- the interventions on the Gate of the Pasha;
- the refurbishment of the open space surrounding the former Selamlik of Vrioni Family, including
the open space freed up from the demolition of the primary school and the junction

Intervention on the Pashai Gate

The first component concerns the interventions on the Gate of the Pasha and includes the following works.

- Structural stabilization.
- Repair or replacement of missing architectural elements and finishes.

Refurbishment of the open space surrounding the Former Selamlik of Vrioni Family

The second component will focus on the refurbishment of the open space surrounding the former Selamlik of Vrioni Family providing a unitary open space functioning as a gateway to the old town.

Concept

The project aims the transformation of this isolated node to an important connection and vivid space. Next to the Category I Monuments it has been proposed the creation of the main square which will have a mixed used function. This will be the viewpoint to enjoy the traditional building of the area and the buildings of the Medieval Center. The Platform and the stairs of the northern edge add the resting areas and adds a connection with the Mangalemi paths and the surrounding buildings. There are two more paths in the project that add new connections in the area. These paths have resting areas too that serve as socializing areas. The green spaces help improve the landscape and clean the air. They can be used as resting fresh areas as well.



LEGISLATIVE FRAMEWORK

Albanian legislative framework. Legal requirements regarding land acquisition

- The Albanian Constitution sets out dispositions on the expropriation and limitation of property rights. The right of property is guaranteed. Property may be acquired by donation, inheritance, purchase, or any other means provided by the Civil Code (Article 41).
- The Albanian Constitution (Article 41) provides that “The expropriations or limitations of a property right that are equivalent to expropriation are permitted only against fair compensation”.
- The Civil Code
 - Article 162 provides that “the right to property and other rights over objects are transferable, except when prohibited by law or by the nature of the right”;
 - Article 173: Plants, as well as buildings and every other construction which are situated on or under the surface of the ground, belong to the owner of the land, except when differently provided by this Code and by other legal provisions;
 - Article 190: expropriation must be done only for public interests recognized by law and only against fair compensation. Such objects pass under the property of the state or of other public agencies, in which favour the expropriation is done.
- Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest”, enables government institutions, and, to a certain extent, private legal persons, to acquire private property for projects that are deemed to be of

national and/or local interest, while protecting the interests of all PAPs with legal title, whose assets are to be expropriated. The law describes how an expropriation procedure begins, for what reasons, and the right of the owners to contest the evaluation of the property made unilaterally by the State institutions. The most important features of the Law on Expropriation pertaining to land acquisition are:

- Expropriation is subject to the public interest “in accordance with general principles of international law”;
- The law provides an exhaustive list of what is deemed as public interest (Article 8), this includes for the realization of the projects and of the investments with a national or local territorial interest or expansion in the field of transports of any kind, of energy, telecommunication, waterworks of any kind in the service of the public interest.
 - Expropriation is subject to “fair compensation” (Article 2);
 - Expropriation can only be decided by the Council of Ministers (Article 21)

Albanian legal requirements regarding rights, transactions, and registration

- Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest”, (Article 6) outlines the rights and privileges of the owner of the private property that is expropriated;
 - Ownership titles must be registered (Civil Code, Article 193).
- Law No. 133/2015 (Article 8) provides that expropriated subjects shall be subject to the compensation procedures pursuant to the provisions of the law, based on the final decisions on recognition and compensation:
 - in monetary value;
 - in another immovable property of any kind, with equal value, owned by the State;
 - with shares in companies with State-owned capital, or where the State is co-owner, with an equal value to the immovable property;
 - with the value of facilities, subject to privatization.
- Law 8651/1999 on expropriations (Article 14) provides that within 10 days from the date of signing the agreement with the expropriation applicant, the competent ministry starts to fulfill the realization of the direct notification procedures;

- The New Law 111/2018 “On Cadastre” (Article 10) stipulates the conditions for transferring ownership of land without remuneration;
- The New Law 111/2018 “On Cadastre” (Article 11 and Article 12) provides details and procedure for ownership transfer without remuneration: the amount of agricultural land surface which is transferred in ownership without remuneration is:
 - the same as the area determined in the act of ownership acquisition of the land;
 - the same as the norm calculated from the ratio of the current surface area that results to be free on the ground with the number of capital.

The transfer is made by the State Agency of Cadastre, according to the list of land users, approved by the municipal council (Article 12).

The legislative framework pertaining to valuation

- The value of land (including agricultural land, forest, and pasture) affected by expropriation procedures is defined (in ALL/m²) by the Decisions of the Cabinet of Ministers (DCM);
- The Council of Ministers Decision No. 138 dated 23.03.2000 provides the legal criteria for the evaluation of properties affected by expropriation;
- The value of crops, plants, orchards, forests, and permanent nurseries is defined based on the average value of their sale price in the relevant area as indicated in the IPRO register. In case IPRO declares in writing that it is not able to provide such price indicators, interested parties may request that the Ministry of Agriculture, Food and Consumers Protection carry out a specific technical valuation and to calculate the value of property subject to the expropriation;
- Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest”, (Article 13) on the valuation of property:
 - For the valuation of the property that will be compensated, the Local Commission for Restitution and Compensation of Property establishes an expert group. The commission appoints as experts experienced and specially qualified persons in the fields of law, economics, and engineering that is related to the process of restitution and compensation of property;
 - The value of the property that is compensated according to this law is calculated

based on the market value in accordance with the methodology proposed by the State Committee for Restitution and Compensation of Property and approved by a decision of the Assembly.

- Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest”, (Article 16), the expropriation of the private property shall be done by fully refunding the value of the property and safeguarding the rights of third parties in the private properties being expropriated;
- Law No. 133/2015 (Article 8), the base indicators on the value or property shall be assigned separately for land and buildings/facilities. When a property combines both land and the building/facility, its value is calculated per unit, as the summary of the values of the facility and the land on which it is built;
- The value of the property to be compensated shall be calculated pursuant to the provisions of this law based:
 - for the land, on the value map;
 - for facilities, on the decision of the Council of Ministers on the assessment methodology for immovable properties in the Republic of Albania.
- Law No. 9235/2004 on Restitution and Compensation of Property on the valuation of the property (Article 13);
- The New Law 111/2018 “On Cadastre” (Article 8) provides that “the value of the payment is calculated according to the land value map determined by the decision of the Council of Ministers for the alienated surfaces as a result of the transaction or the compensated value for the alienated surfaces as a result of expropriation for public interest”.

The legislative framework pertaining to stakeholder engagement

- Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest” (Article 15), the publication of the request for expropriation for the public interest requires that:
 - the competent ministry makes the publication of the request for expropriation in the Official Journal, in a newspaper which is delivered throughout the country as well as in a local newspaper for a period of one week;

- the third parties, no later than 15 days from the date of the expiration of the publication time limits, according to this article, are entitled to present their allegations accompanied with the respective documents in the competent ministry.
- Albania has ratified a number of regulations relevant to access to information and community participation in decision making. The level and nature of ‘participation’ is not explicitly defined in the legislation but suggests that members of the local communities should work in partnership with local authorities to reach an optimal result in local decision-making and policy development;
- Law 107/2014 on Territorial and Development Planning (amended by Law No. 288/2017) regulates consultations and organization of public meetings. The Planning Authority notifies the public and interested parties of the location, date, and time of each public meeting and makes available the draft planning document, at least 30 days prior to the meeting. The announcement is made through the publication of the information in the register and two major circulation papers or other media. Comments and suggestions on the draft plan, received during the publication process, are considered in the finalization of the plan.

The legislative framework pertaining to grievances

- Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest”, (Article 24) provides for an appeals process against the proposed award for compensation;
- Notification of the Final Decision of the Council of Ministers on expropriation is made directly to the owners of the expropriated property, who have the right to appeal in court within 30 days from receiving notice but only as to the amount of compensation specified in the decision;
- An appeal against a decision of the Council of Ministers for the expropriation does not suspend the implementation of the decision and the respective procedure for the re-registration of the expropriated property;
- Law 8651/1999 amended by the Law 11/2020 dated 12.02.2020 “For some changes and additions to the law no.8561 “On expropriations and temporary use of the private property for public interest”, (Article 16) sets out provisions for submission of

allegations;

- Law No. 9235/2004 on Restitution and Compensation of Property provides for the right to appeal (Article 20).

The legislative framework pertaining to cultural heritage and chance finds

- Law 8651/1999 on expropriations (Article 8), expropriation can be done for the protection of archaeological, historical or cultural monuments;
- Law No. 9235/2004 (Article 7) provides that special cultural and historical property, as defined according to the legislation in force, is an immovable property that is not subject to restitution.

RESETTLEMENT ACTION PLAN IN THE FRAME OF THE RESETTLEMENT POLICY FRAMEWORK AND WORLD BANK GUIDELINES

The World Bank Operational Policy on Involuntary Resettlement requires that environmental and social impacts of all its supporting projects should be mitigated according to operational policies that spell out the principles and planning methods for mitigation work. This applies whenever property must be acquired, or its use modified, for a project, and that acquisition or modification results in the loss of income, residence or access to resources, either permanent or temporary whether the occupation is legal or illegal. Resettlement of PAPs in the project zone will therefore be carried out accordance with the Laws of Albania taking into consideration the World Bank Involuntary Resettlement Policy. In any instance where there is a gap or conflict between the Albanian Law on Expropriation and OP 4.12, World Bank Operational Policy 4.12 will prevail or implementing agencies will provide a solution in compliance with OP 4.12.

The Resettlement Policy Framework (RPF) is consistent with the World Bank policy (O.P 4.12), on Involuntary Resettlement and serves as a guide for the preparation and implementation of this Abbreviated Resettlement Action Plans (ARAP). This ARAP is prepared based on current known impacts, gathered through the following research instruments: Census- baseline survey which establishes the number and identity of individuals, households, or communities to be affected by the project, accompanied with an inventory of major assets (land, housing) to be affected by project implementation.

The ARAP contains the details on how to ensure that WB principles can be implemented. There are different categories of expected project impacts, including loss of property and assets, loss of livelihood, and other social and economic impacts on communities. All people, households

and groups adversely affected by the project would be registered and they will receive a support. The project monitoring and evaluation will compare long-term impact against baseline socio-economic data. Collective impacts on groups represent indirect impacts, where group members need not be individually registered. The support mechanisms will be collectively oriented, and the monitoring of these efforts will examine the impact and benefits for the groups involved.

Project implementation will directly affect PAPs because they will be expropriated for a certain area of their property. Expropriation is carried out for public interest (Municipality Council Decision Nr.68 on 30.09.2021)

The implementation of this ARAP does not foresee / require rehabilitation and / or assistance to relocate homes and / or other affected business buildings, but it includes cash compensation for land (private parcels) with fixed structures set on it (boundary walls). The ARAP also provides for PAPs to be assisted by the Grievance Committee for the recognition and respect of their legal and constitutional rights.

This subproject enjoys the general support of the community living nearby the square as it is expected that it will greatly improve their livelihoods, increasing frequentation and potential for economic activities.

This ARAP's main results and findings are listed below:

- The legal framework in force for project implementation provides that project-affected persons (PAPs) are compensated for any loss of physical assets, income and profits deriving from the performance of this investment, whether such losses are temporary or permanent. However, the Census has shown that the works for Restoration of Selamlliku Square, mainly affects only perimeter walls, two land plots and public property.
- **The inevitable private land affected are of 2 plots with fencing structure, owned by 3 land owners, in total.**
- **The total area affected by the investment is 641.13 m².**
- **There are no trees to be expropriated and/or replanted.**
- **There are no objects (dwelling or associated facilities) set on the property to be expropriated.**

Land needed for the Project is registered as construction land in the local property registration office. Field observations and data collected through ARAP census survey show that the **land**

is not use for business or other purpose.

The evaluation method for estimating the compensation considered all the available sources of information in order to propose a market / replacement value. Main assumptions taken into consideration in the frame of methodology are related with current regulatory framework for land expropriation and its recent amendments; financial analysis; eventual transaction (sales and leasing) on footprint (See Annex 1: Methodology for Estimating Land Compensation Rate).

It is provided that the Government of Albania will compensate the project affected people (PAPs) for any loss of physical assets, revenue, and income resulting from economic displacement or physical relocation whether these losses are temporary or permanent. However, the census-survey found that works for the Project will not affect any immovable property, such as: houses or associated facilities.

This ARAP reveals that potential impacts due to expropriation for the Project appear to be moderate and manageable. Furthermore, the assessment shows that the affected portion of land is not affecting PAP's source of income. Therefore, the economic status of project-affected people (PAPs) will not be worse off than before the project, as a result of expropriation.

Since there is no physical displacement of people, or economic displacement (loss of income), no rehabilitation assistance and/or moving allowances were assigned to the PAPs.

The resettlement process will meet the requirements of the World Bank Operational Policy (4.12), on Involuntary Resettlement and also adhere to the provisions of the Constitution of Albania, the Land Acquisition Act.

INSTITUTIONAL RESPONSIBILITIES

ADF has ultimate responsibility for the implementation of all project components along with other institutions.

The following agencies and institutions are responsible for the coordination and delivery of each activity in the land entitlement policy:

- Immovable Property Registration Office for the Project area, under the authority of the Central Registration Office, which is responsible for identifying and verifying property boundaries and ownership.
- Land Administration and Protection Offices (formerly Cadaster Offices) under the Region, which will clarify land allotment certificates for agricultural land that has not been formally registered and transferred to the Immovable Property Registration Offices.
- The Municipality will be responsible for the coordination of the implementing procedures and execution of the compensation.

An evaluation and expropriation commission for Project land acquisition was established by Berati Municipality. The expropriation commission prepared the Case file for the submission to the MIE. A licensed Property Evaluation Expert is hired by the Consultant, to calculate the compensation value for each PAP. The municipality of Berat provided the updated State of ownership from Local Registration Office. Also, Public consultation is organized and feedback is received. (September 23, 2021)

Description of the Implementation Process

The implementation of expropriation activities will be linked to the implementation of the project, to ensure that loss of assets and/or and displacement does not occur before the necessary mitigation measures and resources are in place. In particular, land and related assets will be taken only after compensation has been paid.

The implementation process follows the below stages:

- 1) The beneficiary subject in the expropriation process will be Berat Municipality (Art. 9 of the Law “On Expropriation...”)
- 2) Berat Municipality needs to submit the request with a list of necessary documents to the “State Agency for Expropriation”, which is the MIE’s Agency;
- 3) By the time the State Agency for Expropriation -SAE (under the Ministry of Energy and Infrastructure) accepts the request of the entity (Berat Municipality). The SAE signs an agreement, which defines the rights and mutual obligations.
- 4) Within 10 days after the conclusion of an agreement with the entity applying for expropriation (Berat Municipality) the SAE, following the legal procedure starts the

notification procedure directly to each owner of the private property to be expropriated and publish the Request for Expropriation for public interest. Notice of the request for expropriation is done in the Official Journal and in a newspaper with a nationwide distribution, as well as in a local newspaper for a period of one week.

5) A pre-disclosure to all affected land owners could follow in case not all PAPs are identified, so that nonresidents or emigrants who are not contacted directly could be notified on their land acquisition, compensation method and amount, and procedures. However, the final ARAP confirms that all PAPs are identified and are current residents in the expropriation area. The current private land owners are already informed on the expropriation procedures.

6) If for any reason any of identified PAPs is not residing any longer in the expropriation zone after the cut-off date, but has moved to another area, municipality, region, or abroad, a notification procedure follows for ensuring that these PAPs are notified and compensated as per the ARAP entitlements. It is recommended that an official letter sent by ADF to affected parties should be drafted, stating how the SAE will treat such cases by use of an escrow account to provide them with specific information on receiving their entitlements. However, the Albanian legal provisions make reference only to Article 6, point 2, of Law “On expropriation...”, according to which the SAE relies only on the publication of the expropriated land owners list and for those PAPs who even after the publication of the list are still not identified, the SAE continues the expropriation procedures and deposits in a bank account the respective compensation amount for each expropriated land owner on his/her name.

7) PAPs affected by the expropriation have the right to complain to the Expropriation Commission of the SAE within 15 days from the end of the term of the public notice.

8) Collecting the complaints of the affected owners, and preparing the draft sub legal act for the Council of Ministers.

9) The Commission receives complaints that are based on supporting documents.

10) The procedure will be considered complete, when the owners through a statement approve the transaction of the property in favor of the State.

11) Within this period PAPs can inform the SAE on their acceptance of the expropriation conditions. By this confirmation the land owner passes its property to state ownership and receives through his bank account the compensation corresponding value.

12) For other land owners, who do not agree with the expropriation and compensation amount, the Expropriation Commission at SAE prepares a draft Decision for Expropriation and submits it for approval to the Council of Ministers.

13) This Decision of SAE is finally submitted to the Council of Ministers, who approves it and the Decision enters into force immediately. Also, it will be published in the Official Journal.

14) The affected owners have the right of complaint to the Court within 30 days from the notification of the Decision in the official journal. If they don't follow this procedure, the decision of the Council of Ministers will be an executive title.

15) The compensation amount is at the disposal of the expropriated land owners by the day when the Decision enters into force, but not later than 3 months from the deadline that the decision has established.

Although the Article 19, of Law "On Expropriation..." foresees that 'the total expropriation value results from the final evaluation of expropriated objects' and does not make reference to any potential additions of compensation value, which could result from the eventual Court decision in favor of land owners, this ARAP recommends that a reserve fund is to be provided. The reserve fund, of at least 10% addition to the total, is to be provided to ensure that additional funds are available to respond to any grievances, which could result a higher compensation amount for land expropriation upon a potential Court Decision in favor of a land owner.

The same procedure "mutatis mutandis", needs to be followed for other institutions who submit the request for expropriations (municipalities).

METHODOLOGY

The methodology used by ADF environment and social team included a participatory approach of qualitative data, where meetings were organized and key informants were interviewed.

The methodology used for the preparation of the ARAP is described below:

- Consultation with the affected people on the Project area was done as part of the participatory approach.

- A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) which fulfill the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.
- Cadastral and Orthographic maps that identified features as population settlement, infrastructure, and land use pattern.
- Assets Inventory was used to show lost and affected assets at the household and community level.

Efforts to Minimize Displacement

The project design was ordered by the Municipality of Berat and submitted to PIUTD project. The first review of the Concept Design done in September 2020, revealed that there was a need for resettlement.

Another issue that was identified during this first survey was that properties that were to be expropriated were two plots which are actually not in use for business activities or other purpose.

Expropriation would impact the urban land and walls.

From several site visits it was in the terrain we have seen that the land to be expropriated is of small percentage comparing to the general surface for the property No 3/244. In the other hand, it needs to expropriate the whole private plot of 400 m² that represents the property No 3/252.

The most problematic situation, identified during the safeguards screening of the initial detailed design, was the Property No 3/252 which owner claimed his right to develop himself this area. This owner provided official documents from MoC (see copy of owner's documents attached) to support his claim. Municipality of Berat received this claim and verifying their validity from the MoC. Based to the all official documents referring this case the MoB approved the final design and decided to implement the Project that foresees to expropriate 100% of the private plot owned by Mr. E. D. (400m²) and 32 % of private plot owned by Mr. A. A. and A. A.

ELIGIBILITY

An affected community is defined as one which stands to lose all or part of its physical and non- physical assets including social and cultural networks as a result of the project implementation.

Eligible PAPs for compensation are those who:

- a) have formal legal rights to land and/or other assets;
- b) do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims; and
- c) have no recognizable legal right or claim to the land they are occupying.

In this case, the Census show that there are no tenants, nor other claims to the property expropriated and the parcels are used entirely by the owners.

Based on the Resettlement Policy Framework, the entitlement matrix for the PAPs has been prepared, reflecting all categories of affected people and all types of losses associated with each category. The land to be expropriated for this Project is a Construction land. All three land owners have full legal title of their lands. There are 3 land owners who in total possess 2 plots of 641.13 m² (one owner possesses 400 m² and two others 241.13 m², refer to the census table).

Entitlement Matrix

The table below provides additional information on the entitlement categories for the unilateral expropriation for the public interest provided by the Government with some sublegal acts, concretely with Decision no. 1 620, dated 26. 11. 2008 of the Council of Ministers, Decision no. 653, dated 29. 09. 2007 of the Council of Ministers and with the Decision no. 139, dated 13. 02. 2008 of the Council of Ministers.

Tab. 1 Entitlements Matrix

PAP category		Type of loss			Property right
Owners of private properties	<i>Definition</i>	Land (641.13 m ²)	<i>Impact type</i>	<i>Legal owner who has a property title</i>	<i>Compensation for asset loss</i>
E. D., E. D. A. & A. A.	Land directly influenced by project needs	400 241.13	Physical asset loss	The owner/holder of the title	Cash compensation for the affected land equivalent to market value of the property, sufficient to replace the lost assets and to cover the transaction costs.

VALUATION AND COMPENSATION

Below is a resume of the compensation package for each of the affected people.

Lack of title/ permits: Where it occurs, expropriation could involve the loss of land, shelter or other sources of income. Since not all impacts, are known at project preparation stage, this ARAP includes consideration of possible adverse impacts from loss of shelter and relocation, as well as loss of assets and/or income (livelihood). As indicated in the criteria for eligibility to receive compensation, these will include those people who are occupying or using the affected land, but may not carry documentation indicating formal or recognizable legal rights to the land or permits for buildings.

Loss of Income: NA

Loss of Structures: It is not expected that there will be any residential or other structures that will need to be acquired in the project site.

Compensation Rates

Adequate compensation rates have been drawn by the Municipality of Berat based on the prevailing market rates and official data from the IPRO local office, of the affected facility in the ARAP document. The established compensation rates have been applied throughout the project components with consistency in the respective project phases with allowances for adjustment for a case of the staggered compensation payments. Please see for more details Annex 2: Methodology on the Evaluation of the Expropriated Land.

Restoration Strategies, Change in Livelihoods and, Variation with Area of Impact

The restoration strategies applied by the proponent to ensure income restorations to the affected communities revolves round compensation. The overall objective of the adopted strategies is to ensure no negative change in the livelihood of the affected persons and their respective activity. The strategies aim at livelihood promotion through various economic incentives to the affected.

Land based Compensation

Land-based compensation option is not provided according to the Albanian legislation in force.

Cash Compensation

The cash compensation option is provided by Albanian Law. PAPs were consulted and prefer the cash compensation for their land expropriation.

- Compensation rates are calculated in consultation with representatives of affected populations to ensure that rates are fair and adequate;

- Compensation for land are sufficient to enable affected people to restore their standard of living after resettlement;
- No compensation for structures is applicable for this ARAP. In case of any event, after the time of ARAP preparation, this must cover full replacement cost exclusive of depreciation and inclusive of all fees such as construction permits and title charges and labor costs;
- Compensation payments must be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites;
- Compensation for dismantled infrastructure or disrupted services must be paid to affected communities, or to local institutions as appropriate, at full replacement cost, before civil works begin;
- Compensation for lost earnings must be paid to proprietors and employees for the duration of work stoppages resulting from the relocation of enterprises.

Risks of Impoverishment

To ensure the affected persons are not in any way rendered poor by the proposed project, all categories of affected people, including property owners, their HH members with special regards to vulnerable groups: women and people with disabilities were identified. All types of loss associated with each category above were factored in, resulting that only loss of physical assets (urban land) applies for this ARAP.

There is no evidence of vulnerable groups affected due to project implementation. However, in case of need special assistance to facilitate communication of vulnerable people with the commission for expropriation is provided, in order to facilitate their procedures of land acquisition.

For more details on the methodology and source of information used for estimation of the ARAP budget, see Annex 1: “Methodology Notes for the Evaluation of the Expropriated Land”.

Inventory of Affected People

The inventory table is the table filled out with the owner’s name per each property surface to be expropriated and compensation rates. The data provided in this table are provided by the Census- survey completed with the respective owners and the correspondence with the Immovable Properties Registration Office (IPRO), as much as it was possible. For

compensation rates refer to the “Methodology on the Evaluation of the Expropriated Land” in Annex 1. Some missing data on land owners’ contacts will be filled in later upon ARAP disclosure. It has not been observed any need to take a land surface for temporary use for the project realization.

With respect to the current inventory of PAPs (reviewed upon final design), the ADF in cooperation with the municipality identified finally those PAPs that have to be expropriate or affected their access road.

Verification on the land ownership for the identified owners and PAPs was done through several site visits to meet with the affected population.

Census survey

A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) whose embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities. This information supported to define the value of land loss, risk of impoverishment, and compensation rates. Based on the available information gathered about the PAPs and Census-survey data analysis, it results that any of PAPs won’t be worse-off because of project implementation.

PUBLIC CONSULTATIONS AND FEEDBACK

Based on the design provided by the Consultant, site investigations held during 2020-2021, identified the need for expropriation of two parcels, which are necessary for the project.

The meetings for the purpose of the ARAP started in September, 2020 and have continuously been organized by ADF and Municipality of Berat, with the Project Affected Persons.

Also, a Public Discussion for the Project - P06 has been organized and hold on September 23, 2021 by ADF and Municipality of Berat.

Evidence on information disclosure and public consultation process can be found in Annex 3.

Communication with PAPs

A series of individual meetings were held with PAPs from the project site where the Project will be implemented. Both, social and economic impacts from the project were explained to PAPs. In addition, the consultant explained and discussed with PAPs about the land compensation rates and mitigation measures.



Verifying the design on site with the designer and creating contacts with local community

IMPLEMENTATION SCHEDULE

The implementation schedule for major activities has been prepared. The schedule includes a time frame from disclosure of the ARAP to the monitoring and evaluation of project implementation.

Tab. 2: ARAP Implementation Schedule for this Project

	Planned Activity	Performed by	Proposed date
1	ADF prepare Draft ARAP and send it for approval to WB	ADF	01.02.2022
2	WB Approves the ARAP	WB	10.02.2022/
3	ADF forwards the approval to the Municipality of Berati	ADF	18.02.2022
4	MoB submits the expropriation files to SAE	MoB	21.02.2022
5	The ARAP is published on the ADF website and on the MoB website	ADF/MoB	21.02.2022
6	Formalization and execution of ARAP to enable compensation	ADF/SAE	28.02.2022
7	The SAE (MoIE) set up the commission and prepare the DCM for the expropriation	SAE	27.05.2022
8	<ul style="list-style-type: none"> - Agreement with PAP's about expropriation. - Publication of the notice for the expropriation –Declamation - Examine the suggestions and the complaints of PAPs - Prepare the draft decision for Council of Ministers. 	MIE/ SAE	Prior to start of works

9	Ensure that the - Expropriation Commission decisions are based in Albanian Legislation and WB guidelines and considers PAPs requests	ADF / Grievance Committee	Prior to start of works
10	The CM approves the DCM and makes available the necessary funds for the MoB	GoA	Prior to start of works
11	Issuing of clearance memo. – ADF provides a clearance memo for start of works that ensures that compensation / mitigation measures are implemented before any impacts related to land acquisition take place	ADF	Prior to start of works
12	Opening a Bank Account and reporting it at the MIE	PAPs	tbd
13	Monitor the implementation of ARAP Prepare the final report on ARAP implementation	ADF	During the process and in the end of it.

The ARAP will be disclosed by ADF, which will make hard and soft copies available to stakeholders and distribute it through the official website.

BUDGET AND FUNDING ARRANGEMENTS

The implementation cost of this ARAP will be covered by the Government of Albania. The financial responsibility for the expropriation procedures, including the compensation to be paid, resettlement costs, etc., lies with the MEI.

The overall responsibility for resettlement and expropriation for the Project is under the Council of Ministers. The Council of Ministers is responsible for issuing the expropriation decision and authorizing the funds required. The land acquisition transfer must be fully completed, and payment made, before any Works can be executed on the expropriated property.

GRIEVANCE REDRESS MECHANISMS

Grievances are a common phenomenon in involuntary resettlement which, if not amicably and timely resolved, invariably gives rise to local resistance, political tension and unnecessary delays in executing the project. A grievance redress mechanism for the project is suggested for addressing potential legitimate concerns of PAPs who may consider themselves deprived of

appropriate treatment under the project with the compensation or construction phase impacts on their property. The mechanism is set up by the ADF and will be maintained throughout PIUTD project implementation, including:

- (i) a recording and reporting system, including grievances filed both verbally and in writing,
- (ii) staff with responsibility at various levels of governments, and
- (iii) time frame to address the filed grievances.

The functioning of the grievance redress mechanism must be regularly monitored and evaluated by the ADF during project implementation.

For the purposes of the ARAP, is set up an Informal Grievance Mechanism (Tab 4) that will help to avoid the need to proceed to formal official authorities. This mechanism is set up by ADF and includes a neutral person from the affected area (local government or district official, the PAP and the Environmental and Social Safeguard Officer from the Project PIUTD). Should the need arise, a local NGO could also be brought in to assist people with any grievances, fixing problems during implementation, etc. before the need to go to authorities. Essentially the grievance mechanism is an easy access, no cost mechanism, which involves people from the community, the project, and the relevant authorities to manage and fix problems before they run for official channels of redress, which might take time and have a cost. The NGO would help organize this through setting up a PAP- Project-Authorities committee to handle problems during implementation. A Project Budget is specified for any needed NGO informal grievance resolution services.

The creation of this committee sui generis is considered to facilitate considerably any issues that arise with the PAPs and reduce their administrative costs considering that the affected areas are away from Tirana and all proceedings of their complaints are held in Tirana.

This committee must be composed of three members:

- (1) one representative from the Project PCU' representative
- (2) one representative from the PAPs;
- (3) one independent individual recognized as a neutral party.

(4) One independent expert, proposed by the ADF and Municipality.

Tab 4. The composition of the Grievance Redress Mechanism

No.	Role of the comission member
1	One representative from the Project PCU' representative
2	One representative from the PAPs
3	One independent individual recognized as a neutral party
4	One independent expert, proposed by the ADF and Municipality

The latter will chair the committee and will assist with determination of redress for grievances that cannot be resolved by the resettlement expert. The resettlement planner will maintain a record of grievances received and the result of attempts to resolve the grievances and include this information in the monitoring and evaluation report.

A local committee for dealing with expropriations was also created for the purpose of this ARAP (see Annex 4) . Grievance mechanism was reassured and clarified to all present PAPs in order to address any mitigation measure.

The Expropriation Law provides for an appeals process against the proposed award for compensation. In addition, the Urban Planning and Construction Police laws allow for administrative appeals against a decision for demolitions of illegal construction. Further appeals can be made to the district courts. The Office of the Ombudsman in Tirana receives complaints from citizens against government actions that affect their rights. The project staff will also play a role in resolving grievances.

MONITORING AND EVALUATION

ADF will coordinate all monitoring activities to ensure that activities in the implementation schedule and principles of the ARAP are implemented.

The following major outcomes are reached:

- Affected people are informed and consulted about their options and rights, and provided with technically and economically feasible resettlement and income restoration alternatives;

□ Affected people following the monitoring procedures upon project implementation have to be effectively compensated at full replacement cost for losses of assets attributable directly to the project.

□ In case of relocation, affected people are provided with development assistance in order to address relevant factors and sustain their capacity to restore and maintain livelihoods.

Considering the situation post evaluation of CENSUS and ARAP, the internal monitoring and supervision must consider:

- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies;
- To oversee that the ARAP is implemented as designed and approved;
- To verify that funds for implementation of the ARAP are provided by the Project authorities in a timely manner and in amounts sufficient for their purposes, and that such funds are used in accordance with the provisions of the ARAP.

The main internal indicators to be monitored regularly are:

I. The entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures.

II. Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the ARAP.

III. Public information and public consultation and grievance procedures are followed as described in the ARAP.

IV. Relocation and payment of subsistence and shifting allowances are made in a timely manner.

V. Restoration of affected public facilities and infrastructure are completed prior to construction.

Conclusion

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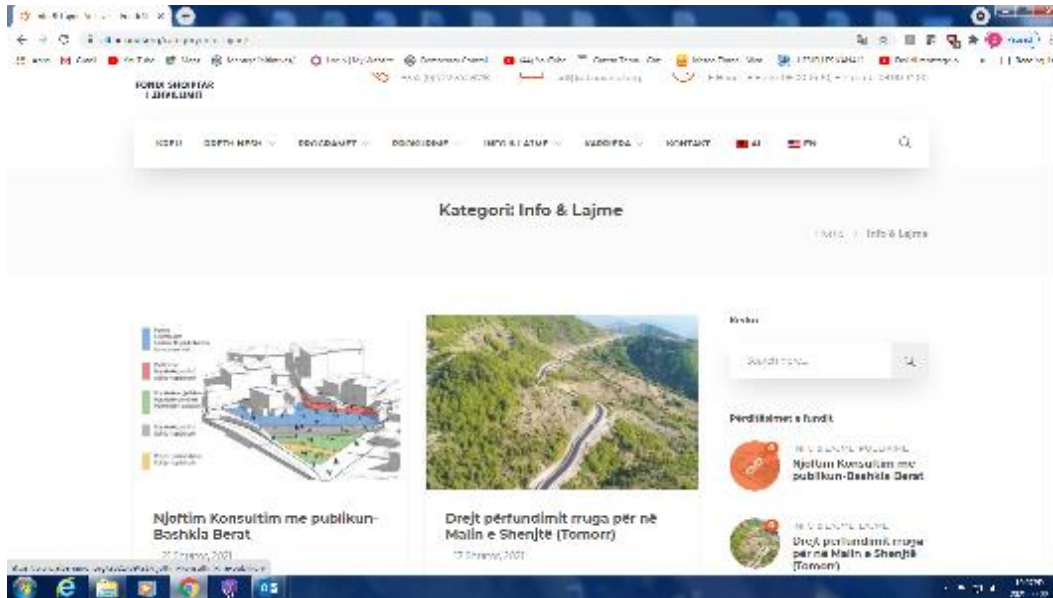
LIST OF ANNEXES:

Annex 1 Methodology (Attached to this document)

Annex 2 Property Evaluation Report (Attached to this document)

Annex 3 Public Disclosure Event Evidence

Announcements for the public discussion meeting are published by ADF and Berati Municipality



Public Discussion Meeting



Attendance list



FONDI SHOQIPTAR
I ZHVILLIMIT

TE DHENA PER PJESEMARRESIT NE TAKIM

VENDI I TAKIMIT Bashkia Berat DATA E TAKIMIT 23/09/2021

QELIMI I TAKIMIT Restaurimi i qendrës historike urbane të qendrës së jashtme të bashkisë

Nr.	Emri dhe mbiemri	Perfaqesues i institucionit	Funksioni/ Pozicioni	Kontakt/ Nr. celular
1	Mirëla Macallari	FSH ZH	Koordinatori PNUD	0682083082
2	VICHA DEJTI	- II -	SPECIASTE NHT	0696060461
3	Alban Juma	Dyktar	Dyktar	0697024137
4	Shaqir Maki	Ajftor	Ajftor	068418 0689691834
5	Gerold Koro	qytetar legje	Bashkia Berat	0686224777
6	Klajdi Hodo	qytetar	Ajftor	0692506633
7	Dashmira Tahiri	Komisionari E. Berat	Dyktar. Berat	
8	Arbën Taku	Perfaq. K. M. SH.	rekluziones	0682111892
9	Baftjar Kellezi	Xhamia Berat	Perfaqesues	0676991342
10	Emela Dafa	Bashkia Berat	Sp. Berat	0688020381
11	Ejlona Duna	te. M. P. Berat	Dyktar	068607725
12	Arif Gera	Keshilli Bashkiak	Kaqer	065803651
13	Elena Hoxha	Keshilli Berat	Mentor	0695584844



FONDI SHQIPTAR
I ZHVILLIMIT

14	VALTER MIO	URRËZ MANUÇEVU	ADMINISTRATOR	068222230	
15	Genadi Hoxhaj	Bashkia Berat	Sp. shkolle projektim	067659880	
16	Janda Kopa	Bashkia Berat	Sp. shkolle projektim	068861132	
17	Floris Gjini	Bashkia Berat	Sp. shkolle projektim	081771771	
18	Karbeli Ali	Bashkia Berat	Sp. shkolle projektim	069404103	
19	Dejan Zyljani	Bashkia Berat	Sp. URBANISTIK	065544338	
20	Dritan Kokaj	DRJK - Berat	Sp. Arkitektur	067231022	
21	Piro Xochati	Bj Berat	Projektim	065214238	
22	Erdis Ilyko	Projektim	projekt	0698671030	
23	Vasil Gjonov	Projektim		069425700	
24	Elza Vasa	Projektim		067882552	
25	Ilirija Hoxha	Projektim		065262450	
26	Bona Hoxha	Bashkia Berat	Sch. F. B.	065038886	
27	Donat Malibeti	Bashkia Berat	Kryetar	0672356276	
28	Genti Çelipi	F.S.H. 24	Sp. mjedisi	068604120	
29	Jordana Duro	Projektim		069362772	
30	Arif Duro	Projektim (parrizim)	Businessmen	0692299888	
31	Janet Jorga (prof. VERA)	Projektim parrizim		0692080632	

Annex 4 Decision for Establishing of Grievance Redress Mechanism

BERAT me dt. 23 / 09 / 2021

PROCES – VERBAL I FORMIMIT TE KOMITETIT TE SHQYRTIMIT TE ANKESAVE

Ne takimin e mbajtur sot me dt. 23 / 09 / 2021 me perfaqesues nga FSHZH, Bashkia

BERAT dhe Personat qe Ndikohen nga Projekti:
Projekti: Zhvillimi i Integruar Verbor dhe Teritorial - Berat -
mbas informimit nga perfaqesuesi i FZHS, per formimin dhe rolin e Komitetit te Shqyrtimit te
Ankesave (KSHA) ne kuader te Projektit PZHUI te financuar nga FSHZH me donator Banken
Boterore, zgjedhi personat e meposhtem si anetare te KSHA per nenprojektin:

RESTAURIMI ME PERSHATJE I "SELAMLEKUT".

Keta persona, pranojne te realizojne aktivitetet e pershkruara ne Udhezuesin bashkengjitur ketij dokumenti.

Me poshte eshte lista e anetareve te KSHA:

Nr.	Emer dhe Mbiemer	Pozicioni ne KSHA	Nr Kontaktit	Firma
1	<u>Anton Pistoli</u>	Kryetar	<u>0694002311</u>	<u>FSHZH</u>
2	<u>Valter Mino</u>	Anetar	<u>068 2323238</u>	<u>PAZ</u>
3	<u>Luciano Bogova</u>	Anetar	<u>069 294 7707</u>	<u>B.B.</u>
4	<u>Eugen KALLANI</u>	Antar	<u>0693399767</u>	<u>ORK-Berat</u>

Per FSHZH
Specialisti Social

Annex 5. Flowchart of ARAP implementation

