

LAW

No. 13/2016

ON THE WAY OF DELIVERING PUBLIC SERVICES AT FRONT OFFICE LEVEL IN THE REPUBLIC OF ALBANIA

Pursuant to Articles 78 and 83(1) of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose of the law

The purpose of this law is to lay down the rules on the delivery of public services by the state administration institutions to persons residing and/or exercising their activity in the territory of the Republic of Albania, by removing the administrative barriers and by delivering them in a fast, efficient and transparent way and with the highest quality.

Article 2

Object of the law

This Law establishes:

- a) principles of public service delivery;
- b) rules on developing public service models and their codification;

- c) procedures for the establishment of new services or the reorganization of existing services;
- ç) the way of public services delivery;
- d) rules on cooperation in public service delivery between the state administration institutions and independent institutions/local government units;
- dh) rules on the organization and functioning of the Agency for the Delivery of Integrated Services in Albania (ADISA);
- e) rules on the organization of front offices and back offices.

Article 3

Scope

1. This law shall, as a rule, apply to all services provided by the state administration institutions.
2. This law shall also apply to services provided by independent institutions and local government units, in the cases and in the way specified by this law.

Article 4

Definitions

For the purpose of this law, the following definitions shall apply:

1. “ADISA” means the Agency for the Delivery of Integrated Services in Albania
2. “Responsible authority” shall mean an existing institution or a subordinate institution established by a Decision of the Council of Ministers under the relevant legislation, to whom one or some of the duties, functions and competences laid down by this law are delegated.
3. “Territorial branch” means those institutions as per the meaning given to them by the legislation on state administration.
4. “State administration institution”, “independent institution” and “local government unit” mean those institutions as per the meaning given to them by the respective legislation.
5. “Responsible minister” means the minister who has, in compliance with the constitutional and legal provisions, the competence to draft policies in the field of public administration and public services.
6. “Service recipient” means any natural or legal person, Albanian or foreigner, who, upon his request, receives the public service.
7. “One stop shop” means the front end service delivery centre enabling physical and/or electronic service delivery to natural and legal persons.
8. “Re-engineering” means the process that aims to simplify the administrative procedures necessary to obtain a service, the respective

documentation or various activities related to service delivery also through the use of information technology.

9. “Front office” means physical and electronic front offices where persons lodge their request to receive a specific public service and through which the public service is delivered as a separate function from the back offices.

10. “Public service” means the product provided by the state administration, independent and local government institutions, within their jurisdiction, to natural and legal persons, upon their request, and which results in a reply of different forms, like a certificate, licence, permit, etc., by the responsible institution provided for by the law.

11. “Quality assessment” means the process of public service delivery quality assessment, as provided by this law.

12. “Back office” means an office at the service provider, which is in charge of reviewing the service requests received from the front offices and one stop shops.

CHAPTER II

PRINCIPLES OF PUBLIC SERVICE DELIVERY

Article 5

General principle

1. Public services delivery and provision in the territory of the Republic of Albania by the state institutions, under this law, shall be performed on the basis of the principles of legality, non-discrimination, impartiality, transparency and proportionality.

2. The above principles have the meaning given to them under the Code of Administrative Procedure.

Article 6

The principle of separation of powers

1. The separation of powers, the assignment of administrative functions and duties among the institutions who administer service delivery in the front offices and back offices developing procedures that enable service delivery, should be clear and well-defined, specific, avoid duplications, be transparent and made public accordingly.

2. The service regulation and organisation ensures the clear identification of responsibility for delays and inefficiency in service delivery from front offices and back offices.

Article 7

Principle on freedom of information

1. The responsible authorities and state administration institutions shall provide to the persons who seek service all the necessary information in compliance with the provisions of the legislative provisions governing the right to information, including the publication of necessary information on the website they administer.

2. The service delivery organisation includes communication between the institutions, with the view of improving services in front offices and back offices.

3. The cost, its determination and the tariff establishment for the required information shall be governed in line with the provisions of the legislation on the right to information.

4. Refusal to give information, under this law, shall be mainly based on the constraints provided by the legislation on the right to information and other constraints provided by specific laws.

Article 8

The principle of access and equality

1. The state administration institutions shall provide all natural and legal persons access to public services in an equal, non-discriminating, impartial and transparent way. In any case the legislative requirements on the protection from discrimination shall be observed.

2. A differential treatment of persons in service delivery shall be allowed only on the grounds of objective differentiations and justified causes, pursuant to the legislation governing the area of non-discrimination.

3. The state administration institutions shall provide citizens with access to public registers and state databases, within the limits of the lodged request and the allowed level of access, pursuant to the legislation in force on the protection of personal data and classified information, in order to provide them with the required service.

4. When delivering public services, the state administration institutions shall, within their financial capacities, their competence and in compliance with the rules on the protection of personal data, try to implement innovative and technological solutions, which enable greater access of citizens to public services.

Article 9

The principle of efficiency and quality

1. The organisation of public service delivery shall ensure effectiveness in the performance of functions and duties, and efficiency of the process with the view of providing the public services at the highest quality and the lowest cost possible.

2. The service delivery administrative procedure shall be conducted as quickly as possible, in accordance with the deadlines defined in the specific legislation governing the service.

Article 10

The principle of cooperation

State administration institutions that provide services through front offices and back offices shall cooperate among themselves and with independent bodies and institutions/local government units, according to the specifications of this law, to achieve the delivery of services in the most effective way, in accordance with the law.

CHAPTER III

THE RESPONSIBLE BODIES FOR SERVICE DELIVERY

Article 11

The state bodies responsible for service delivery

1. The state bodies that regulate the way public services are delivered are:

- a) the responsible minister;
- b) the authority responsible for drafting and defining the service delivery models.

2. The state service delivery bodies are ADISA and state administration institutions that, pursuant to various legal acts, are in charge of specific functions in the field of public services.

Article 12

The responsible minister

The responsible minister shall:

a) draft and propose to the Council of Ministers the state policies that regulate the way public services are delivered;

b) adopts the general instructions and manuals in order to ensure the unified implementation of legislation on public services delivery and state policies by the state administration institutions, pursuant to the provisions of this law.

Article 13

ADISA

ADISA shall have the following competences:

a) provide public services to natural and legal persons, through physical front office, through physical one stop shops, physical front offices providing integrated public services;

b) establish and administer the physical front offices for natural and legal persons, physical one stop shops and integrated public services centres and be responsible for their management;

c) participate in developing procedures and models for the front offices and back offices;

ç) require the change of the systems and procedures in the back offices and the establishment of new services to make the front office to deliver high-quality public services;

d) provide information on the administrative procedures for receiving public service, through various modern communication channels.

dh) update the information delivered by the service provider regarding administrative procedures for receiving public services;

e) require and receive from the state administration institutions, independent institutions and local government units any information necessary for fulfilling its responsibilities;

ë) participate in the services re-engineering process, by taking the initiative for conducting this process;

f) propose to the Albanian School of Public Administration (ASPA) the training programs in public service delivery and follow up their implementation;

g) exercise any authority granted hereunder or pursuant to this Law.

CHAPTER IV

THE ESTABLISHMENT, ORGANISATION AND FUNCTIONING OF THE AGENCY FOR THE DELIVERY OF INTEGRATED SERVICES IN ALBANIA (ADISA)

Article 14

Legal status of ADISA

ADISA is a public legal entity organized in the form of a self-sustained agency, having its permanent seat in Tirana, subordinate to the responsible minister.

Article 15

ADISA managing bodies

ADISA managing bodies are the Steering Committee and the Chief Executive Officer.

Article 16

Steering Committee

1. The Steering Committee is a decision-making body dealing with administrative and financial issues of ADISA.

2. The Steering Committee is a collegial body, consisting of seven members out of whom:

- a) two representatives are appointed by the responsible minister;
- b) one representative is appointed by the minister of finance;
- c) one representative is appointed by the minister of the interior;
- ç) one representative is appointed by the minister of economy;
- d) one representative is appointed by the minister of local government;
- dh) one representative is appointed by the minister of justice;

3. The members shall be appointed through an order of the relevant minister. They shall not be civil servants.

4. The responsible minister through an order shall appoint one of the members of the Steering Committee as the chair of this Council.

Article 17

The competences of the Steering Committee

1. The Steering Committee shall have the following competences:

a) approve development programs of ADISA, in compliance with public services delivery strategy;

b) propose to the responsible minister the organisational chart of ADISA and the wage levels;

c) approve the regulation on the internal administrative organisation, functions and responsibilities of directorates, departments, civil servants and other employees;

ç) approve the criteria proposed by the Chief Executive Officer, to be implemented for ADISA staff recruitment;

d) analyse and propose for approval to the responsible minister the financial program of ADISA, by periodically supervising and checking its implementation;

dh) propose to the responsible minister the rate of fees to be applied by ADISA for the provided services, which are approved through a Decision of the Council of Ministers, after receiving the opinion of the minister in charge of this area of service and of the Minister of Finance;

e) exercise the competences provided by the legislation in force for the financial management and control;

ë) take decisions on other matters, in compliance with the obligations set out by the legislation in force.

2. The wage levels and ADISA's organisational chart shall be approved through a decision of the Council of Ministers, upon the proposal of the minister in charge of the respective area of activity of this institution.

Article 18

Criteria for the appointment of Steering Committee members

In order to be appointed as Steering Committee member, a person shall meet the following requirements:

a) to have Albanian citizenship;

b) to have completed second level higher education, "Master of Science";

c) to have at least 5 years of working experience in public administration or in public or private management or administration or in institutes of science education;

ç) to have moral and professional integrity;

d) not to have been convicted by a final court decision for any criminal offences;

dh) not to have been expelled from the civil service;

e) not to have conflict of interests with office, in compliance with the obligations set out by the legislation in force.

ë) no other impeding conditions are in place, as defined by the legislation in force.

Article 19

Steering Committee members term of office

1. The term of office for the chair and each member of the Steering Committee shall be 3 years.

2. When the term of office of a chair or a member terminates, they shall remain in office until a new chair or member is appointed. One month prior to the expiry of the term of office of any of the Steering Committee members, ADISA shall notify in writing the respective minister, pursuant to Article 16(2), who shall initiate the procedure for the appointment of the new member.

3. Exceptionally, the first members of the Steering Committee shall be replaced by lot in the following manner:

a) the term of 2 members shall terminate 1 year after the constitution of the council;

a) the term of 2 members shall terminate 2 years after the constitution of the council;

a) the term of 3 members shall terminate 3 years after the constitution of the council;

4. In case of early termination of the term of office of any member of the Steering Committee, the member appointed to fill in the vacancy shall hold office for the unexpired term of his predecessor.

Article 20

The Steering Committee remuneration

The chair and members of the Steering Committee shall be remunerated according to the amounts and criteria defined by decision of the Council of Ministers.

Article 21

Removal and suspension of the Steering Committee members

1. A Steering Committee member shall be removed from office before the termination of his term, where he:

a) resigns;

b) becomes physically disabled, for more than 3 months, to fulfil the duty he was appointed for;

c) is absent without justification from three consecutive meetings;

ç) causes damage, due to his professional incompetence or negligence, to the institution or its reputation;

d) in the course of exercising his duties, acts in conflict with ADISA's interests;

dh) is convicted by a final court decision for having committed a criminal offence;

e) loses or renounces the Albanian citizenship.

2. The initiative for the removal of a Steering Committee member may be taken by the responsible minister or it may be submitted to the responsible minister by the Committee itself or other public institutions, whose operation is related to that of ADISA.

3. The minister, pursuant to paragraph 2 of this Article, may decide to suspend the member from office until the verification process is completed and a decision is taken.

4. In case any of the Steering Committee members is removed from office before the termination of his term, the succeeding member shall be elected through the same procedure applied for the appointment of the members of this Committee.

Article 22

Meetings of the Steering Committee

1. The Committee shall be called by the chair, upon the request of 3 members or upon the request of the Chief Executive Officer of ADISA. The Steering Committee shall be convened at least once every two months to discuss and decide on the agenda.

2. The meetings of the Steering Committee shall be chaired by the chair, or, in his absence, by one of the members authorised by him.

3. On its first meeting, the Steering Committee shall approve the regulation on work organization.

4. A meeting of the Steering Committee shall be held when at least 4 members are present. In a voting process the abstention shall not be allowed.

5. Minutes shall be kept for each meeting, which shall be signed by all the present members, whereas the Steering Committee decisions shall be signed by the chair.

Article 23

Chief Executive Officer

1. The Chief Executive Officer is the head of ADISA appointed by the responsible minister.

2. The Chief Executive Officer cannot be a member of the Steering Committee.

3. The Chief Executive Officer shall take part in the Steering Committee meetings, without having the right to vote.

Article 24

Duties and responsibilities of the Chief Executive Officer

The Chief Executive Officer shall have the following duties and responsibilities:

a) is responsible for the management and administration of the activity of ADISA;

b) submits for approval to the Steering Committee the internal regulations on the functioning of ADISA;

c) proposes to the Steering Committee, under the legislation in force, the organisational chart of ADISA and the wage levels for its employees;

ç) submits for approval to the Steering Committee the budget and the respective work schedule prior to initiating any activity;

d) prepares and submits for approval to the Steering Committee the economic-financial program of ADISA and the rate of fees to be applied for all services provided by this institution;

dh) exercises the competences provided under the legislation in force for the financial management and audit;

e) identifies and submits for approval to the Steering Committee the requirement for any job position, staff recruitment criteria, in compliance with the legislation in force, the priorities of ADISA and its internal regulations;

ë) appoints the necessary personnel, pursuant to the specified criteria and administers the human resources and their qualifications;

f) represents ADISA in relations to third parties;

g) carries out all the duties of ADISA, pursuant to the legislation in force.

Article 25

Criteria for the appointment of the Chief Executive Officer

Criteria for the appointment of the Chief Executive Officer are:

a) be an Albanian citizen;

B) have higher education;

c) have at least 5 years of working experience in public administration or in the area of management, administration and jurisprudence;

ç) have moral and professional integrity;

d) not to have been convicted through a final court decision for criminal offences;

dh) not to have been expelled from the civil service;

e) not to have conflict of interests with office, in compliance with the obligations set out by the legislation in force.

ë) no other impeding conditions are in place as defined by the legislation in force.

Article 26

Removal of the Chief Executive Officer

The responsible minister shall decide on the removal of the Chief Executive Officer, pursuant to the cases provided by the labour legislation.

Article 27

Organization of ADISA

1. ADISA shall exercise its jurisdiction over the whole territory of the Republic of Albania. It shall operate at a central level and through territorial branches.

2. The territorial branches of ADISA shall operate in the territory of one or more local government units, as per the organisational chart approved to this purpose.

3. Territorial branches of ADISA shall be headed by the Head of the territorial branch. The Head shall represent the territorial branch in relations to third parties at the respective local government unit level and shall be responsible for organising and coordinating work for the operation, quality and efficiency of the activities of its branch.

4. The Head of the territorial branch shall be subordinate to and report directly to the Chief Executive Officer of ADISA, unless another reporting unit within ADISA, at a central level, is defined.

Article 28

Service delivery by ADISA through front offices

1. ADISA shall provide service directly to the public through front offices in its permanent seat, in public services delivery centres, in front offices, in territorial branches, in local government units or other state administration institutions in the field of public services.

2. The public service delivery centre, as a rule, brings under one single roof, the front offices from a series of institutions. These centres shall be established by ADISA in compliance with the principle of access to the citizens.

3. The front offices in the territorial branches of the state administration institutions shall be established by ADISA. The state administration institutions shall be obliged to cooperate in providing the necessary facilities, premises and

infrastructure. These front offices shall be administered by ADISA.

4. ADISA in cooperation with local government units, may open its front offices to deliver integrated public services, provided by the state administration institutions also in local government units.

5. In the local government units, as defined in paragraph 4 of this Article, the front office service shall operate as a delegated function, in compliance with the provisions of this law and the legislation on the organisation and functioning of local government.

6. ADISA, by mutual agreement with independent institutions or private bodies, may provide front office services even through these authorities.

Article 29

ADISA staff

1. ADISA staff shall be recruited based on the job requirements and description, as defined by the internal regulation. The recruitment procedures shall be transparent and non-discriminating, in compliance with the criteria defined by the legal acts in force on the functioning of the administration. The labour relations of ADISA employees shall be governed by the Labour Code.

2. The following persons may not be employed as part of ADISA structure:

- a) members or shareholders of the supervised entities;
- b) those who have family relations with the persons provided under letter “b” of this paragraph, with members of the Steering Committee or other officials of the administration, to whom they have a subordination relation;
- c) those convicted by a final court decision;
- ç) those not having moral and professional integrity;
- d) those against whom the disciplinary measure of dismissal from civil service has been taken.

Article 30

Sources of income and budget of ADISA

1. ADISA sources of income shall be:

- a) income from service fees, pursuant to the provisions of this law;
- b) income from the State Budget;
- c) income from projects, loans or donations, received in compliance with the legislation governing the respective area and other legal sources.

2. ADISA shall generate income from conducting the functions defined under this law or from providing other services, based on these functions.

3. The fees for the provided services, related to the performance of operational duties, shall be approved by the Council of Ministers, upon the

proposal of the responsible minister. The fees shall be at such amount as to cover the service cost.

4. Income from the service fees may be used by ADISA, by the institutions directly providing this service or may be divided between ADISA and the respective institution, subject to agreements concluded with respect to the service to be provided.

5. The income division ratio, as provided in paragraph 4 of this article, shall be defined by decision of the Council of Ministers.

6. All fees shall be announced and made public in the appropriate forms and ways, pursuant to the legislation on the right to information.

Article 31

Reporting by ADISA

1. ADISA shall, through its Chief Executive Officer, annually submit to the responsible minister, with respect to the previous fiscal year:

A) the annual report on its activity;

b) the annual financial reports, including the report on the achievement of the expenses and revenue plan, and the financial statements, according to the deadlines approved by the Minister of Finance for the closing of annual account balances of the general governance.

2. ADISA shall submit to the responsible minister, at any time, upon his request, any other data deemed necessary for the achievement of the objectives of the public services delivery policy.

Article 32

Use of its own income by ADISA

1. The income collected from the fees for performance of functions, as determined hereunder, including those generated by front offices, shall be used by ADISA to cover the its costs of service and operation.

2. The retained income shall be deposited in the State Budget. To be excepted by this rule are solely the income used for investments continuing also over the upcoming budgetary year.

3. For purposes of managing its own income ADISA shall open a current account with the second tier banks;

4. Income allocated from the State Budget shall be used according to the rules defined by the respective legislation.

Article 33

Auditing of ADISA

The financial activity of ADISA shall be audited pursuant to the legislation in force.

CHAPTER V

ASSESSMENT OF THE QUALITY OF SERVICE DELIVERY AND PERFORMANCE RESULTS

Article 34

Service assessment

1. The way public services are delivered by front offices and the way requests for service are managed by the state administration institutions shall be periodically inspected by the responsible authority.

2. During this process the responsible authority shall ensure to include also the persons benefiting from these services, through various forms of surveys.

3. Based on the above assessment, the responsible authority shall issue instructions on the changes and improvements the state administration institutions should make and the deadlines for their implementation.

4. The Council of Minister, through a decision, shall define the responsible authority for assessing the service delivery quality and performance.

5. The responsible minister shall, through an instruction, adopt the detailed service assessment procedure, the assessment method, the frequency, the responsible authority and the competences for the assessment.

CHAPTER VI

STANDARDIZATION OF PUBLIC SERVICES DELIVERY

Article 35

Models

1. The standardisation of public service delivery through front offices shall be conducted according to national models and European and international models, which are developed and adapted as Albanian models by the authority responsible for models.

2. Models include, but are not limited to:

- a) code of conduct in physical front offices;
- b) rules for the application of services in physical front offices;
- c) rules for receiving answers at the physical front offices;
- ç) rules for the complaint;
- d) models of visual representation of physical front offices;
- dh) indispensable elements of service in physical front offices;
- e) rules of communication and organisation of information on services;
- ë) rules on the way of using forms and functions of different channels for the delivery of public services on the perspective of natural and legal persons;
- f) classification of services;
- g) codification of services;
- gj) service application forms.

3. The models provided for under letters “a” to “gj” of paragraph 2 of this Article, shall, to the extent possible, apply also for the services delivered through electronic front offices.

4. The models shall be published at every front office where public service is provided and in the most appropriate forms to ensure transparency and protection of the citizens in terms of their rights and obligations.

Article 36

Competences for developing the models

1. The Council of Ministers shall appoint, through a decision, the responsible authority for developing the models, according to the specifications of this law.

2. The responsible authority shall, mainly based on the requests of the ministries or other central institutions of the state administration, and where appropriate, based on agreements, also of other independent institutions or local government units, take the initiative to develop or amend the models.

3. The state administration institutions shall cooperate with the responsible authority in developing, reviewing, adjusting and aligning the models to be used/applied for the service delivery.

4. The developed models shall be approved by decision of the Council of Ministers.

5. The responsible minister shall approve through an instruction the methodology for developing the models, and the drafting procedure and cooperation between state administration institutions.

Article 37

Models Implementation

1. The models adopted in the form required by this law shall be binding upon all state administration institutions, regardless of whether this service is provided directly by them or through front offices or one stop shops.

2. The models developed in the form required by this law shall be recommendatory in nature, regarding services provided by independent institutions and local government units. Such models may become mandatory for this category of institutions on the basis of agreements concluded under the provisions of this law.

CHAPTER VII

THE COMPETENCES FOR THE HANDLING OF SERVICES

Article 38

Ways of services delivery

1. The public services shall be delivered through front offices, one stop shops and/or electronically, through electronic communication means or any other form, through which service delivery is achieved.

2. Only in exceptional cases, where the requesting institution provides reasonable grounds that the service may be delivered in a quicker and more qualitative way and subject to the approval of the responsible authority, the public service, in compliance with the legislation on its establishment, may be provided by the institution itself.

Article 39

Organisation of front offices

1. ADISA shall organise the provision of public services through physical front offices and physical one stop shops.

2. The front offices and one stop shops shall:

a) give information on the requested service;

b) accept applications for a specific service;

c) send the request and the accompanying administrative file to the institution responsible for the public service and follow-up the completion of this procedure, within the legal deadlines;

ç) notify the applicant on any administrative action taken by the responsible body;

d) take any other action as defined by the provisions of this law.

3. The same functions shall also be carried out by front offices which are administered by the institution itself.

4. Regarding public services provided through front offices and one stop shops, administered by ADISA, no persons shall be entitled to address directly to the competent public body for the provision of the service.

5. In principle, the state administration institutions shall share among them any information related to the application for service submitted by any natural and legal persons, without the applicant being required to do such a thing. For this purpose, the front office shall, as appropriate, take all the documentation, in the way laid down by the legislation in force, from the state administration institution that possess the required information.

6. Within the frame of the application for service, filed with the front office, ADISA employees shall have the right to access the state databases and to make use of this information, in order to provide the public service in the most efficient and qualitative way possible.

7. The access level of ADISA employees and the use of this data shall be subject to the safety standards and to the compliance, at any time, with the protection of personal data, pursuant to the legislation in force.

8. The services that may be delivered without any documents filing being needed, the safety standards, the access level and the use of state databases shall be defined by decision of the Council of Ministers.

Article 40

Organisation of back offices

1. Back offices shall be organized and operate within the state administration institutions competent for reviewing the requests coming from front offices.

2. The back offices shall be organized in compliance with the legal act governing the specific public service. They shall be part of the state administration institutions competent for the public service being provided.

3. The back offices shall be responsible for approving, returning for further completion or rejecting an application for a specific service and for reviewing any potential complains.

4. Employees/officials of the back offices who unlawfully do not provide the requested service, pursuant to the legislation in force on civil service and Labour Code, shall hold a disciplinary responsibility.

Article 41

Procedure of cooperation between front offices and back offices of state administration institutions

1. The application lodged with the front offices, together with the accompanying administrative file, if any, shall be forwarded to the back offices, competent for the service delivery.

2. The transfer of the application from the front offices to the back offices shall be made electronically, through information technology tools.

3. Where cooperation, under paragraph 2 is not feasible, other forms of communication, recognised by the legislation in force, shall be used.

4. Other cooperation procedures between front offices and back offices and the deadlines and procedures for receiving services shall be defined pursuant to the procedure provided for this service.

5. For a more elaborated regulation, ADISA and the institution that administers the back offices may enter into a cooperation agreement providing for the forms, procedures and ways of cooperation.

6. The same cooperation procedure shall be followed even in those cases where the service is provided in other front offices, as provided in Article 28 of this law.

7. Processing of services applications shall be performed by the back offices in compliance with the legislation governing the requested service.

Article 42

Re-engineering of services

1. Depending on the need for improving procedures, re-organization of work processes with the aim of facilitating, increasing the efficiency and effectiveness of the public administration and subject to technological developments, the service shall undergo the re-engineering process.

2. The service re-engineering initiative shall be undertaken by the authority responsible for the models, mainly based on the requests of the interested state administration institutions.

3. The Council of Ministers shall adopt detailed rules on the procedure related to initiative taking and cooperation of institutions in the re-engineering process and the power for its implementation.

CHAPTER VIII

ADMINISTRATIVE APPEAL

Article 43

Administrative appeal against front office activity

1. Any person that has not received the requested service shall be entitled to appeal to the front offices administered by ADISA within 5 days from the date they receive a negative answer or from the date they should have received an answer, pursuant to the respective legislation that regulates the requested service.

2. The front office that receives the appeal shall forward it immediately to the central directorate of ADISA. The appeal shall be reviewed according to the rules defined under the Code of Administrative Procedures.

3. The ADISA Chief Executive Officer shall give a justified reply on the appeal within 5 working days from the date of its submission.

Article 44

Administrative appeal against back offices activity

1. When the submitted appeal is not related to the activity of the front offices administered by ADISA, but to the administrative activity of service operational back offices, the ADISA Chief Executive Officer shall, within 5 days from the date of the appeal submission, forward it to the state administration institution responsible for the service provision, by notifying the appellant party accordingly.

2. The state administration institution shall provide a justified answer on the acceptance, return for completion of missing information or rejection of the appeal within 10 working days from the receipt of the administrative appeal by ADISA, unless the relevant legislation provides for other deadlines for the reply.

3. The person shall receive the reply of the institution through ADISA.

Article 45

Administrative appeal for services provided electronically

1. The authority responsible for the maintenance and operation of the electronic portal shall put in place and maintain, according to the models established by the respective responsible authority, a section for appeals against services provided through the electronic portal.

2. The section in this electronic portal shall ensure that, after its completion, the appeal be electronically submitted to the state administration institution responsible for the service provision.

3. The state administration institution shall be obliged to give a reply within 10 working days from the receipt of the appeal electronically.

4. The Council of Ministers, through a decision, shall appoint the responsible authority for the maintenance and operation of the electronic portal.

Article 46

Appeal filed with the court

The appellant who is not satisfied with the reply received or who has not received any reply within the defined deadlines, shall have the right to address the competent court for the settlement of the administrative disputes.

CHAPTER IX

PUBLIC SERVICES PROVIDED BY INDEPENDENT INSTITUTIONS AND LOCAL GOVERNMENT UNITS

Article 47

Agreements with independent institutions and local government units

1. The independent institutions and local government units may enter into framework agreements with the Council of Ministers, represented by the responsible minister or through another authorised institution, in order to cooperate for the best possible delivery of public services they provide.

2. For the independent institutions, the agreement shall be priorly approved by the managing body and signed by the head of the institution.

3. For local government units, the agreement shall be priorly approved by its representative body and signed by the executive body.

Article 48

Joint Service Delivery

By agreement with the Council of Ministers it may be decided that the independent institutions and local government units provide their services through front offices and one stop shops administered by ADISA.

Article 49

Terms and Conditions of the Agreement

The agreement entered into between independent institutions or local government units from one side and the Council of Ministers from the other side, shall include:

- a) the rules on service delivery models, their approval and amendment;

- b) the rules on the establishment of new services or the re-organisation of existing services;
- c) the way of service delivery and/or their amendment;
- ç) the manner of organisation and administration of front offices, one stop shops and back offices;
- d) the procedures of cooperation between front offices, one stop shops and back offices;
- dh) the ways of service financing;
- e) the ways of dispute settlement.

CHAPTER X

TRANSITORY PROVISIONS

Article 50

The transfer of front office administration from state administration institutions to ADISA

1. Physical front offices that provide existing public services in state administration institutions shall be transferred under the administration of ADISA.

2. For this purpose, upon a proposal of the responsible minister, the Council of Ministers, shall define, by decision, the front offices, the number of employees/officials and the order of their transfer from the state administration institution to ADISA. The Council of Ministers may, by decision, exclude from this transfer the front offices of those institutions that provide services in the field of national security.

3. The Council of Ministers shall, by decision, until the way of service delivery by ADISA is consolidated, decide that the service be simultaneously provided by ADISA and the state administration institution responsible for the service delivery.

4. The way the service fees are collected, divided and used between the institution and ADISA shall be defined through a decision of the Council of Minister, upon the joint proposal of the responsible minister and the minister of the respective field.

5. Upon taking front offices under administration, ADISA shall be entitled to organize them in one of the ways provided by Article 28 of this law.

6. The state administration institutions employees that used to work in the front offices transferred under the administration of ADISA shall be considered as employees of the later. To this end, the Chief Executive Officer shall conclude a new contract on behalf of ADISA.

7. Employees of state administration institutions who are transferred to ADISA, pursuant to paragraph 6 of this Article, but who hold the status of civil servant, shall enjoy the rights provided by Article 50(8) of Law No 152/2013 “On civil servants”, as amended.

8. Upon taking under administration the front offices of state administration institutions, ADISA shall, with respect to the service provided on behalf of the institution, be entitled to invoice to the later the service cost by applying the service fees.

9. The fee rates, pursuant to paragraph 8, shall be approved by a decision of the Council of Ministers, upon the proposal of the responsible minister and the minister of the respective field and they shall not exceed the cost of the service provided by the state administration institution itself, whose service is now provided by ADISA.

10. The invoicing period shall last until the front offices are completely transferred under the administration of ADISA.

Article 51

Budget of ADISA

The budgetary funds allocated for 2016 for the program administered by the Centre of Integrated Public Services Delivery shall be used by ADISA in compliance with the legislation in force on the management of the budgetary system.

Article 52

Termination and transfer of competences

On the date of entry into force of this law, all the rights on any tangible assets as obtained through by-laws of the Council of Ministers, and the means and sources of income, archives, as well as any other rights and obligations of the Integrated Public Service Delivery Centre shall be transferred to ADISA.

Article 53

Appointment of the first management bodies

1. Within 30 days from the date of entry into force of this law, the responsible ministers, pursuant to Article 16 of this law, shall appoint their representatives in Steering Committee.

2. The Chief Executive Officer of the Integrated Public Service Delivery Centre shall take over the position of Chief Executive Officer of ADISA if the

conditions provided by Article 23 of this law are fulfilled. Otherwise, a new Chief Executive Officer for ADISA shall be appointed within 15 days from entry into force of this law.

Article 54

Transfer of the functions and personnel of the Integrated Public Service Delivery Centre

Within 3 months from the date of entry into force of this law:

- a) the personnel of the Integrated Public Service Delivery Centre shall be transferred to ADISA, retaining in force the existing employment contracts, including their respective amendments;
- b) the Chief Executive Officer shall sign new contracts with the employees of the Integrated Public Service Delivery Centre on behalf of ADISA;
- c) the contracts for the supply of goods and services, procurements, relationships with donors etc., signed by the Integrated Public Service Delivery Centre shall be transferred to ADISA.

Article 55

Amendments to the existing legislation

1. The responsible minister shall coordinate the process of amendments to existing laws and normative acts in order to align them with this law.
2. The Council of Ministers shall, upon the proposal of the responsible minister, submit to the Parliament the necessary draft laws in the light of legislation alignment.
3. The responsible minister shall propose to the Council of Ministers the draft by-laws necessary for the alignment of the normative acts.
4. The legislation alignment process shall be completed within 5 years from the entry into force of this law.
5. The existing legal acts in the field of public services shall continue to be in force and effect even after the entry into force of this law, pursuant to its provisions, but not exceeding 5 years from entry into force of this law.

Article 56

By-laws

1. The responsible minister shall coordinate the process of drafting the by-laws for the implementation of this law and send them for approval to the Council of Ministers.

2. The Council of Ministers shall adopt these by-laws within 4 months from entry into force of this law.

3. The responsible minister shall, within 4 months from entry into force of this law, adopt the instructions issued for its implementation.

Article 57

The existing by-laws

The existing by-laws in the field of services shall continue to be applicable even after the entry into force of this law to the extent they do not contradict this law.

Article 58

Entry into force

This law shall enter into force 15 days after its publication in the Official Journal.

SPEAKER

DEPUTY PARLIAMENT

Valentina LESKAJ

Approved on 18/02/2016