



**REPUBLIC OF ALBANIA  
ALBANIAN ASSEMBLY  
LAW**

**Nr. 10 433, date 16.06.2011**

**ON INSPECTION IN THE REPUBLIC OF ALBANIA**

Based on the articles 78 and 83, section 1 of the Constitution, upon proposal of the Council of Ministers,

**ALBANIAN ASSEMBLY**

**DECIDED:**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1**

**Object**

This law establishes the general principles of inspection, the organization of public institutions, which perform inspection functions, the status of inspectors, the rules of administrative procedure of inspection, the establishment and functions of the Central Inspectorate.

**Article 2**

**Scope**

1. This law is applicable to the inspection functions under the jurisdiction of executive power of the central government and local government units, except for:
  - a) The internal administrative inspection in the public sector;
  - b) Internal audit in the public sector and financial inspection;
  - c) Tax control and customs;
  - ç) The inspection of the responsible authority for the supervision of the implementation of the legislation to prevent the money laundering and terrorist financing.
  - d) Inspection of games of chance.

2. The provisions of this law are met with the relevant provisions of the Code of Administrative Procedure

### Article 3

#### **Definitions**

In this law the terms below have the following meanings:

1. "Legal requirements" are the requirements arising from the law, bylaw or a permit, license or authorization and that are required to respect the exercise of an activity of commercial nature, economic or professional, including those mandatory requirements to be respected by public bodies that provide public services.
2. "Subject of inspection" is any natural or legal person who has the obligation to implement or comply with the legal requirements regarding the conduct of an economic commercial or professional activity.
3. "The inspection" is any form of state control that the state competent authority performs for the verification of the compliance with the legal requirements of the inspection bodies.
4. "Casual inspection" is the inspection form, in which the subject of inspection is defined randomly on the basis of performing a certain activity or relationship based on a specified event, including the time spent over a specified period at a public road, where the inspection takes place, or the activity in a geographical area or a particular market.
5. "Programmed inspection" is the inspection that is carried based on the approved program of inspection for every central/local inspectorate.
6. "Inspection in the place" is the inspection at the place or places of the activity exercise of the entity under inspection.
7. "State Inspectorate" is the central institution that is in charge with one or many functions of inspection in the jurisdiction to the executive power of the central government.
8. "Local Inspectorate" is the organizational unit of local government unit, loaded with one or many inspection functions under the jurisdiction of the local government unit.
9. "Responsible Minister" is the Minister who covers the state area of activity according to the legislation in force for a particular function of inspection.

10. "Administrative penalty" is the measure of warning, fines and any administrative or other sanctions, despite the name provided by law that regulates an inspection function.
11. "Warning" is an administrative punishment sanctioning the violations of a minor importance of legal requirements from the subject of inspection and have the purpose to identify and warn the subject that, if in case of repetition of the same offense or other violations, will be given heavier administrative punishment.

## **CHAPTER II**

### **PURPOSE AND PRINCIPLES OF INSPECTION**

#### Article 4

##### **Purpose of inspection**

1. Inspection aims to protect the public interest and the interests of the natural and legal persons.
2. The purpose of the inspection activity is achieved through:
  - a) assessment of compliance of legal obligations by the inspection subject;
  - b) documenting best practices in respect of legal claims and their dissemination;
  - c) advising and education of the inspected entity for the correct implementation of legal requirements;
  - ç) ordering the elimination or avoidance of the violations and their consequences;
  - d) applying the sanctions or other administrative measures, to avoid risks that can be caused to public interest and the legitimate interests of individuals and entities, as provided by this law or special legislation.

#### Article 5

##### **Principle of Independence of Inspection**

The inspector or the group of inspection within the authority given by law or secondary legislation is completely independent in conducting the inspection proceeding and taking the respective decisions related to a particular case.

## Article 6

### **Principle of Proportionality in the inspection activity**

1. While conducting the inspection, the inspector performs the necessary actions of inspections in such manner as to intervene in the operation of the subject of inspection, to the extent necessary to perform an effective inspection.
2. In determining the sentence or measure to be taken, the inspector, in accordance with the seriousness of the violations found or their consequences, gives the sanction or measure which is appropriate or necessary to achieve for the punishment or measures that affects the rights or legitimate interests subject to inspection.
3. When setting a deadline for the subject of inspection in order to eliminate or prevent the observed violations and their consequences, the inspector estimates the importance of the violation, the consequences on the public interest and circumstances that determine the time needed to perform the actions from the inspected entity with the maximum effort from his side.

## Article 7

### **Principle of programmed inspection**

A subject can be inspected only in accordance with the inspection program, exceptionally; a subject can be inspected out of the program in the cases expressly provided by law.

## Article 8

### **Principle of the most favorable legal provision**

1. When legal provisions regulating the inspection activity are not clear or contradict each other, the inspector acts in the most favorable manner for the subject of inspection.
2. When the subject of inspection has acted in accordance with a legal requirement that contradicts with another legal requirement, its action will not be considered as an infringement.

## Article 9

### **Principle of Public Information and protection of confidentiality**

1. The inspectorate informs the public about the findings and the measures taken during the inspection proceeding, if this is necessary to protect the rights and interests of legal or physical persons.
2. The information according to the principle referred in point 1 of this article, is effectuated in accordance with the legislation in force on protection of personal data that are related with the commercial or professional activity of the subject of inspection or other persons.

## **CHAPTER III**

### **ORGANIZATION AND FUNCTIONING OF THE INSPECTORIATES IN CENTRAL AND LOCAL LEVEL**

#### Section 1

#### **Organization and operation of state inspectorates**

#### Article 10

#### **State Inspectorates**

1. The inspection functions in the jurisdiction of central government executive institutions are carried out by the state inspectorates, which are central public institutions, in the dependence of a responsible minister. As a rule, a state inspectorate is responsible for all the areas of inspection depending on the responsible ministry.
2. Exceptionally a state inspectorate may be an integral part of another subordinate institution of a ministry, if explicitly provided by a special law.
3. The State Inspectorate exercises its jurisdiction in the entire country. If necessary, the Inspectorate can be organized in territorial branches directed by the regional chief inspector.

## Article 11

### **Establishment and Organization of state inspectorates**

1. The State Inspectorate that is competent for performing an inspection function provided by law is created or assigned by the Council of Ministers.
2. The Council of Ministers, also determines the institutional dependence, rules of organization and functioning of the state inspectorate, inspection functions in its jurisdiction, and the number and territorial jurisdiction of its branches, if any.
3. The structure of state inspectors is approved by the Prime Minister.

## Article 12

### **State Inspectorates direction**

1. A state inspectorate is headed by the Chief Inspector. In the case when the inspectorate is part of a subordinate body, as defined in point 2 of Article 10 of this Law, the Chief Inspector is the head of the subordinate body itself.
2. The chief Inspector and the head of the subordinate body, in case provided in point 2 of Article 10 of this Law, shall be appointed and dismissed by the Prime Minister, by proposal of the responsible Minister.
3. The Council of Ministers approves the criteria and procedures for the appointment, performance appraisal, discipline and release from the duty of the chief inspector.

## Article 13

### **Chief Inspector's Responsibilities**

1. The Chief Inspector conducts the Inspectorate activities and represents it in relation to the third parties.
2. The Chief Inspector is responsible for organizing and coordinating the Inspectorate operation and the quality and efficiency of the activity.

## Section 2

### **The inspectorates under the jurisdiction of local government**

## Article 14

### **Establishment of inspectorates within the jurisdiction of local government units**

1. The organization unit that performs the inspection under the jurisdiction of the local self-government is established or assigned by the elected council of the respective local government unit, according to the legislation for the organization and functioning of the local government.

2. The inspection unit, below named “local inspectorate”, is led by the Chief Inspector.
3. The article 13 of this law is applied even for the Local Head Inspector.

### Section 3

#### **Central Inspectorate**

#### Article 15

##### **The creation of Central Inspectorate**

1. The Central Inspectorate is established, as a central public institution, subordinated to the Prime Minister and with the seat in Tirana, the Central Inspectorate is financed by the state budget.
2. Rules of organization and functioning of the Central Inspectorate are approved by the Council of Ministers.
3. The structure of the Central Inspectorate is approved by the Prime Minister.

#### Article 16

##### **Central inspectorate’s mission and functions**

1. The Central Inspectorate mission is to improve the efficiency, effectiveness and accountability of the inspection activities in the Republic of Albania.
2. The Central Inspectorate has these functions:
  - a) Coordinates and supports the activities of state and local inspectorates.
  - b) gives advisory opinion for the inspection programs elaborated by state inspectorates;
  - c) adopts general rules, according to the methodology of risk assessment, scheduling inspections, documentation of inspection activities, and reporting the activities of inspectorates.
  - ç) adopt rules for the general indicators of effectiveness and quality of the inspection activity, and their evaluation criteria;
  - d) provides legal opinions on any initiative and legislation in the field of inspection
  - dh) oversees the implementation of this law and of the special law by the state inspectors, regarding the programming, authorization and conducting the inspection activity and has the right to propose disciplinary action against inspectors and State Chief Inspector, in case of breaches of these last;
  - e) prepares general annual report of inspections and submits it for recognition to the Council of Ministers;
  - ë) coordinates training and qualification activities of inspectors;

- f) adopts specific requirements for the education of inspectors in the state and local inspectorates;
  - g) performs initial and periodic testing of inspectors;
  - gj) creates and maintains a unique inspection portal that serves for the programming and coordination of inspections, exchange of the necessary data through different inspectorates, also for keeping the public informed.
  - h) keeps and updates the list of inspectors on duty for every local and state inspector and publishes it in official website.
3. When the Central Inspectorate proposes a disciplinary measure against a state inspector or chief inspector, under the letter "dh" of point 2 of this article, namely the chief inspector or chief inspector's direct supervisor is obliged to begin, without delay, disciplinary proceedings.
  4. In order to implement its responsibilities and duties, the Central Inspectorate has the right to request all necessary information on the activities of the state inspectorates, to inspect the records of inspection and any other document related to the planning and operation of the administrative procedures of the inspection. The Central Inspectorate should not influence the decision regarding a specific action.
  5. Detailed procedures for exercising the powers of the Central Inspectorate under this Article, and the rules for the management of the unique portal of inspection are approved by the Council of Ministers.

#### Article 17

#### **Organization and operation of the General Inspectorate and its employees' status**

1. The Central Inspectorate is directed by the General Chief Inspector. The General Chief Inspector is appointed and dismissed by the Prime Minister.
2. The General Inspector heads the Central Inspectorate activity and represents it in relation to third parties.
3. The labor relations of the Central Inspectorate's employees, with the exception of the employees who perform tasks with a technical support nature, are regulated in accordance to the provisions of the civil servants legislation related to the independent institutions. The General Inspector is the "direct superior" in accordance with these provisions.

## Section 4

### **Reporting and supervision of the inspectorates**

#### Article 18

##### **State inspectorate's relations with the responsible ministry**

1. The responsible Ministry ensures the effective and efficient functioning of the State Inspectorate that is on its dependence. This responsibility does not include the operational direction of the inspection activity.
2. The responsible Ministry with the methodological support of the Central Inspectorate defines:
  - a) the strategic annual and midterm objectives of the State Inspectorate.
  - b) the specific indicators for the efficiency, effectiveness and qualification of the inspection activity and the inspectorates work.
3. The Local Inspectorate presents to the executive organ unit of local government and Central Inspectorate the annual report of inspection.
4. The responsible Minister has the right to request reports, information and documents regarding the institutional and financial management of the Institution and with the inspectorate activity in general or regarding the concrete issues.
5. The Minister may order in a written and motivated way the beginning of the inspection over a particular entity or a concrete issue that includes more than one entity.

#### Article 19

##### **Relationships with local inspectors and local government unit**

1. The executive body of the local government supports the effective functioning of local inspectorates. This responsibility does not include operational direction of the inspection activity.
2. The executive body of local government unit, with methodological support of the Central Inspectorate, defines:
  - a) annual and medium term strategic objectives of local inspectorates;
  - b) the specific indicators of effectiveness and quality of inspection activity and local labor inspectorates.

3. Local Inspectorate shall submit to the executive body of the local government and to the Central Inspectorate the annual inspection report.
4. The executive body of the local government has the right to request reports, information and documents for institutional and financial management of the institution and inspection activities in general or on a particular issue.
5. The executive body of local government unit may order, in writing and motivated manner, the initiation of an inspection on a certain subject, or for a specific issue that involves more than one subject.

## Section 5

### **The Status of Central and Local Inspector**

#### Article 20

##### **The labor relations of the inspector**

1. The employment relations of the inspectors in the state and local inspectorates are subject to the civil servants legislation for the independent institutions, unless otherwise provided in this law. The chief inspector is the “direct superior” in accordance with these provisions.
2. Point 1 above applies to other employees of the State inspectorates that are not inspectors, except the simple employees who perform tasks of a technical-support nature, which are subject to the Civil Legislation of Employment and Other Legislation with general application in public administration.

#### Article 21

##### **Qualification and testing of inspectors**

1. State and local inspectors are subject to mandatory training and initial vocational testing before confirming the completion of the probationary period and periodic testing. Initial and professional test is based on periodic examination organized by the Central Inspectorate.
2. Non-assign ability of initial testing until the end of the probationary period or non-assign ability of periodic testing for reasons that depend on the inspector himself, causes disqualification respectively at the end of the period of probation or removal from office. The decision to remove from office, in case of periodic non-assign

ability, are taken direct from the “direct superior” under the discipline procedures as provided in the legislation for civil servants, which are applied as amended.

3. Council of Ministers determines the intervals of periodic testing, detailed rules for the procedure of examination and evaluation criteria relevant to this proceeding.

#### Article 22

##### **Performance of inspections duties during the probationary period**

1. The inspector during the probation period can perform the inspection activity only under the supervision of an inspector, who has passed the initial testing.
2. The certified inspector supervises the performance of the inspector during his probation period and signs every inspector’s acts. Signing is a requirement for the act validity.
3. Points 1 and 2 of this Article shall not apply to the period until the first periodic testing after the entry into force of this law.

#### Article 23

##### **Restrictions and prohibitions on duty, at the end of the function**

Except as provided by law no. 9367, dated 7.4.2005 "On prevention of conflict of interest in the exercise of public functions", as amended, the inspector is subject to the limitations provided for officers of the tax or customs, under legislation in force, these restrictions, which are applied as amended, under the jurisdiction of the inspectorate where the inspector exercises.

### **CHAPTER IV**

#### **GENERAL RULES ON PROGRAMMING AND AUTHORIZATION OF INSPECTIONS**

#### Article 24

##### **Inspection Program**

1. The conducting of a concrete inspection is authorized, as a rule, based on the inspection program.
2. The inspection program is prepared by the inspectorate based on the risk assessment methodologies and on the periodic inspections, in the cases provided for by special law.

3. The inspection program of State Inspectorate is approved by the responsible minister, after the preliminary advisory opinion of the Central Inspectorate, while the program of Local Inspectorate is approved by the executive unit of Local government.

## Article 25

### **Inspection outside the program**

1. Exceptionally, the concrete inspection may be authorized outside the inspection program in the following cases:
  - a) the subject of inspection, which is obliged to submit a periodic information according to the special law and has not met this obligation within the time specified or has not met in a completed way, or there are reasonable doubts about the accuracy of the information presented and is considered as necessary the conduct of an inspection;
  - b) from the monitoring and oversight conducted by the inspectorates through the periodic and continuous analysis of data or information, or reasonable suspicion arises for violation of legal requirements and concluded that it is necessary to begin an inspection;
  - c) as a result of information received by an Albanian public institution or another state or an international organization that is considered necessary beginning of an inspection;
  - ç) in the case of events, accidents or incidents that have or could affect the life or health of humans, animals or the environment;
  - d) provided in point 5 of Article 18 and point 5 of Article 19 of this Law;
  - dh) expressly provided by special law;
2. If there is an inspection not generated by the program, it may be also authorized based on an application or information received from third parties if there is a reasonable doubt that legal requirements are violated by a subject of inspection.
3. The person, who has filed a denunciation or information under the point 2 of this article, is informed upon conclusion of the inspection procedure but it is not considered a party of the inspection procedure in terms of the Code of Administrative Procedure.
4. Inspection not generated by the program is considered even the inspection *in flagrante* according to the present law under letter “a”, point 2 of the article 27 of this law.

## Article 26

### **The maximum annual inspection duration in the place of activity**

1. During one calendar year a particular subject of inspection can be subject to the inspection at the place of activity, within the scope of this law, for duration not longer than the maximum duration permitted for yearly inspection.
2. Council of Ministers determines the maximum period allowed of the annual inspections for different categories of subject of inspections, depending on the size of the subject of inspections and the risk of the activity performed, and also the way to estimate the duration. The maximum period allowed is from 5 to 15 days.
3. In the calculation of the maximum period allowed, it is not included the time length of:
  - a) the casual inspection;
  - b) inspection in case of occurrence of events, accidents or incidents that have affected or may affect the life or health of humans, animals or the environment, provided under the letter "ç" of point 1 of Article 25 of this Law;
  - c) inspection to verify correction of violations at the end of the period specified in point 4 of Article 48 of this Law.

## Article 27

### **Authorization of an inspection**

1. The administrative inspection procedure is initiated as a rule, upon the issuance of the authorization of the inspection (hereafter, "the authorization") by the Chief Inspector. In the case of state inspectorates organized in the territorial branches, the right of the authorization can be delegated to the chief inspector of the territorial branch.
2. The inspection may initiate, without the authorization under point 1 of this article, only in the following cases:
  - a) the inspector, finds out an *in flagrante* violation of a legal requirement, within the scope of its inspection;
  - b) inspected for the occurrence of events, accidents or incidents that have affected or may affect the life or health of humans, animals or the environment, provided under the letter "ç" of point 1 of Article 25 of this Law;
  - c) inspected provided by special laws, which are carried out at the crossing border points;
  - ç) expressly provided by special law;
3. The initiation of the inspection in the case provided in the letter "a" and "b" of point 2 of this article is noted immediately in a special part of inspection report, which is considered as a special inspection authorization. The inspector is obliged to notify without delay the person responsible for the issuance of the authorization.

4. Authorization cannot be appealed separately of the final decision. Issuing an authorization in violation of the provisions of Articles 24 to 27 of this law is not considered separately as invalidity of the final inspection, but the clerk is responsible for disciplinary violations for the issued authorization.

## Article 28

### **Content of the authorization**

1. The authorization contains at least the following elements:
  - a) the state or local inspectorate that issues the authorization;
  - b) the object of inspection;
  - c) the legal basis;
  - ç) date and place of the issuance;
  - d) identity of the inspector or inspectors authorized to conduct inspections;
  - dh) identity of other officers authorized to perform the assistance activities under point 1 of article 31 of this law;
  - e) name or commercial name, address of the subject of inspection, the most accurate data to determine the subject of inspection in cases of casual inspection, or data for more accurate determination of specific activity subject to inspection, in case the name, title and address are not known;
  - ë) duration in days to carry out the inspection;
  - f) place/places of inspection;
  - g) identification data, position and signature of the person that issued the authorization.
2. Territorial branch inspectors can carry out inspections on other territory branches with the order of the Chief inspector.
3. When the name, commercial name, or address of subject of inspection is unknown or in the case of casual inspection, the authorization contains detailed data that allow more accurate determination of the subject or subjects of inspection.
4. The detailed content of each authorization is approved by the General Inspector, with proposal of the relevant chief inspector.

## Article 29

### **Duration of the authorization**

1. The authorization is valid only for the time-limit expressly indicated there in.
2. Unless expressly provided otherwise by the special law, in exceptional cases, due to the complexity of the inspection procedure, the time-limit may be extended only once for a period that does not exceed the initial authorization time-limit.
3. The extension is proposed by the inspector and the decision is taken by the responsible clerk for issuing the authorization. The decision of extending the time-limit is notified to the subject of inspection before the initial authorization time-limit expires and cannot be separately appealed.
4. Any action carried out exceeding the anticipated time-limit provided in accordance with points 1 and 2 of this article, does not produce any legal consequence on the subject of inspection and charges the inspector with disciplinary responsibility.
5. The inspection which lasts less than four hours is calculated as half-day inspection, while the inspection that lasts more than four hours is calculated as one-day inspection.

## **CHAPTER V**

### **INSPECTION PROCEDURE**

#### Section I

#### **Employees participating in the inspection and notification of the inspection**

## Article 30

### **Persons authorized to carry out an inspection**

1. The inspection is carried out by the inspectors provided in the authorization.
2. As otherwise expressly provided by special law, only inspectors, according to point 1 of this Article, may carry out inspection activities and enjoy the rights provided in this law.
3. The replacement of an inspector determined in the inspection authorization can be done only by special decision of the person responsible for the issuance of the authorization, which is notified without delay to the subject of inspection and in any case before carrying out any procedure by the new inspector.
4. During the inspection activity performance, the inspector is identified with the inspector badge. The inspector badge is issued by the General Inspector for the

state inspectorates or by the executive organ of the local unit for the local inspectorates.

## Article 31

### **Support to the inspection activity**

1. The Inspector, to determine the facts and circumstances necessary for a decision for the inspection, may require specialized assistance from officials, public bodies or experts or certified private entities.
2. During the inspection there can be carried out also a certain ancillary actions by other employees of the relevant state inspectorate who are not inspectors.
3. Persons mentioned in points 1 and 2 of this Article do not have the rights provided by this law to the inspector and cannot take decisions on procedural or final inspection. However, they have an obligation not to disseminate or use personal data and those that are associated with commercial or professional activity of the subject of inspection or other persons involved, which are protected under applicable law which are recognized during the inspection.

## Article 32

### **Notification of Inspection**

1. The inspection is notified via the notification of the authorization to the subject of inspection no later than 3 days prior to the beginning of the inspection operations.
2. The preliminary notification is not considered on the following cases:
  - a) When there is a risk that the announcement may prevent carrying out effectively the inspection;
  - b) the non-notification is expressly provided by special law;
  - c) when the inspection is carried out to verify the correction of the violations at the end of the period specified, provided in the point 4 of the Article 48 of this law;
  - c) inspection provided in the point 2 of the Article 26<sup>1</sup> of this law;
  - d) for the casual inspections;
3. Failure to notify prior to inspection, under letter "a" of point 2 of this article, decided by the person issuing the authorization and reflected in the authorization. The decision not to prior notify is motivated.
4. In case of failure to notify, inspection is notified simultaneously with the start of the inspection procedure, via:
  - a) Submission of authorization to the representative subject of inspection, in cases provided in letters "a" - "c" of point 1 of this article. In case of refusal to receipt the authorization or non-finding the person's representative, the inspector displays

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<sup>1</sup> It should be point 2 of article 25 but there was a mistake in our law when it was published.

the authorization in the place where the inspection is taking place and this fact is reflected in the minutes;

- b) Verbal notification in other cases.
5. Despite advance notice, in any case, the inspector before the inspection starts, informs verbally the representative of the subject of inspection regarding the object of the inspection, rights and obligations of the subject of inspection by law, and legal consequences of non-compliance with these obligations.

## Article 33

### **Place of inspection**

1. The place of inspection is specified in the authorization. The place of inspection can be:
  - a) wherever the subject of inspection performs its activities and there are the facts that in respect or lack of compliance with legal requirements
  - b) if it is possible from the nature of the inspection, the inspection may be carried out at the offices of the relevant state inspectorate.
2. In the case provided in letter "b" of point 1 of this Article, subject of inspection is invited, by prior notice, to appear in the offices of the inspectorate. If necessary, the inspector may require the submission of documents, objects or other data needed to carry out the inspection in his office.

## Article 34

### **Time of the inspection**

1. Except where is provided otherwise by the special law, the inspection actions are carried out when it is more convenient to perform effectively the inspection operations, despite the normal duration of the work of the inspector or the subject of inspection.
2. When the inspection in place of the inspection activity, cannot be completed within normal working hours, if necessary, the inspector may order the prohibition of entry into the environment or sealing of the machinery, equipment, documents for the period of cessation of the inspection operations, up to resume normal operations but not for more than 2 days.
3. The decision under point 2 of this article is reflected in the minutes of inspection and notified verbally to the representatives of the subject of inspection. The decision cannot be appealed separately.

## Section 2

### **The rights and obligation of the subject of inspection**

#### Article 35

##### **The rights of the subject of inspection**

1. The subject of inspection has these rights during the inspection activity:
  - a) to ask and be informed regarding the authorization before the start of inspection, unless, by law, the inspection is not done based on the authorization;
  - b) requires the inspectors identification by their identity card;
  - c) to be present through its representatives in the inspection activities;
  - ç) to seek and receive information from the inspectors on the inspection procedure and any actions or decision taken during it;
  - d) provide, in writing or verbally, ideas, explanations of the facts, circumstances or/and legal issues, dealing with inspections, or to submit his proposals for resolving the issue and relevant documents that supports them;
  - dh) to seek and to be notified regarding the minutes of inspection;
  - e) to submit his assessment contestations regarding administered evidence for the results of the investigation and the decision that may be taken by the relevant state inspectorate.
2. When participation during the inspection operation, according to the letter "c" of point 1 of this article prevents carrying out the inspection, the inspector may decide to exclude from participation. The decision reflected on the minutes cannot be appealed separately.

#### Article 36

##### **Obligations of the subject of inspection**

1. Exceptas providedbyspecial law , the subject of inspection has these obligations during the inspection operation:
  - a) to appoint a representative to communicate with the inspector during the inspection, in case he is not willing to communicate directly with the Inspector;

- b) to cooperate and not prevent the carrying out of inspection operations. The lack of cooperation is assessed with other evidence;
- c) to prevent total or partial activity, whether it is necessary for normal development and operation of inspection when requested by the inspector in the minutes of inspection;
- ç) to provide a suitable place for the work of the inspector, if the inspection is performed in place of activity;
- d) to provide any information, document and give any explanation for the observed facts and circumstances necessary for inspection, if requested by the inspector and within the time specified by him;
- dh) to allow and make it possible to obtain evidence from his employer, if requested by the inspector.

### Section 3

#### **Rights and obligations of the inspector**

#### Article 37

##### **The right to enter the place of activity of the subject of inspection**

1. Unless otherwise provided by special law, the inspector has the right to enter and carry out the inspection operations in any premises, environment, building or vehicle where the activity is conducted from the subject of inspection and to inspect equipment, machinery, products, items, substances, ingredients and everything else related to the activities of the subject of inspection;
2. Entry and inspection under point 1 of this article are made without a permit by the subject of inspection. In case of prevention, entry and inspection may be carried out forcibly in the presence of an employee of the State Police, according to the procedure provided by its relevant law. Costs necessary to achieve the forceful entry are charged to the subject of inspection and defined in the minutes or in the final decision.

## Article 38

### **Sampling**

1. If it is necessary for the purpose of the inspection, the inspectors have the right to take free of charge, samples of the products, commodities, substances or outputs and get them examined or analyzed.
2. The samples are taken in the presence of representatives of the subject of inspection unless it is excluded by a decision from being present during the inspection. Before the selection of the samples the inspector explains to the representative the procedure for obtaining them.
3. The inspector may take samples in the amount necessary to perform the examination or analysis, and to ensure its recurrence.
4. Sampling is reflected in the minutes of inspection. The inspector is obliged to announce the results of the expertise or the examination within 4 days from the date of receipt of their results.
5. Costs for the selection, transportation and examination or analysis of samples, as a rule, are borne by the subject of inspection only in the case that the outcome of examination or analysis proves a violation of the relevant legal requirements. The amount is reflected in the final decision of the inspection.
6. Examination and analysis of samples are made from accredited subjects according to the applicable legislation.
7. Detailed procedures for obtaining and handling samples, according to the type of inspection, and the methodology of calculating the cost is approved by decision of the Council of Ministers.
8. Points 1 to 7 of this Article shall apply, as amended, to perform other necessary expertise for the verification of products, equipment, processes or machinery.

## Article 39

### **Making copies and the documents seizure**

1. During the inspection, the inspector has the right to request copies of the documents related with the activity under the purpose of inspection. The request is made orally and is reflected in the record of inspection. Each copy of the document is certified as true by being signed from the representative of the subject of inspection.

2. The inspector has also the right to levy documents in order to verify the authenticity or accuracy of that information. The decision of the documents seizure is reflected in the records of inspection, which contains a full description of the seized documents.
3. The points 1 and 2 of this article are applied to the documents stored in electronic support, audio-visual recordings or any other type of technology.

#### Article 40

##### **The principle of consultation and information**

1. Inspector provides advice to the interested parties for preventing violations of legal requirements, in a simple way, understandable and free of charge.
2. The inspector also informs the subject of inspection regarding his rights and obligations about inspection in the administrative proceeding and the legal consequences of his acts or omissions in this proceeding.

#### Article 41

##### **Other Rights of the inspector**

The inspector within the object and purpose of the inspection has, also, the following rights:

- a) to take pictures, films or records in any other technical manner on the premises, environments, facilities, installations, work processes, equipment, machinery, products, items, substances, ingredients and everything else related to the activities of the subject inspection;
- b) to check the books, records and other documents related to the activities of the subject inspection, including those stored, created or maintained in electronic format or any other technical registration;
- c) to measure as far as it is necessary and to verify the compliance with the legal requirements for the subject of inspection;
- ç) to check the identity documents of persons, when it is needed, according to the inspection;
- d) to request to the subject of inspection or his employee to carry out all the necessary actions to facilitate inspection;
- dh) to receive for free and use the data regarding the subject of inspection from the state

institutions that are necessary for the operation of inspection;

- e) to administer any means of evidence provided under the Code of administrative procedures in order to determine the facts and circumstances necessary to resolve the issue and take a final decision.

#### Article 42

##### **Support from the state police**

If the inspector is facing or may face physical resistance, or hindered in performing his duty, he may request the assistance of the State Police authority exercising jurisdiction in the relevant area, according to the procedure in force.

#### Section 4

##### **Urgent measures**

#### Article 43

##### **Urgent measures**

1. The inspector during the inspection has the right to take urgent measures through an intermediate decision in the following cases:
  - a. because of the determined violation of the legal requirements has a reasonable doubt that an immediate, irreparable and serious damage can be caused to the public interest or to the interests of the third parties, especially if it is necessary to avoid an immediate danger to life or health of humans, animals or the environment;
  - b. has a reasonable suspicion of a violation of the legal requirements has a reasonable doubt that an immediate, irreparable and serious damage can be caused to the public interest or to the interests of the third parties, and it is necessary to carry out further verifications of the documents or carrying out analysis, in the case of products, goods or machinery at the border crossing points.
2. The urgent measures are:
  - a) the suspension of conducting an action, activity or a part of it;
  - b) the prohibition of the operation of an installation or machine;

- c) the prohibition of access into the territory where the goods, machinery or products are placed;
  - ç) blocking and taking into administration animals, plants, goods, products, and machineries;
  - d) prohibition to entry the territory of the country for the animals, plants, goods, machines, products;
  - dh) order of notice for the public or third parties for the potential risks;
  - e) and also, any other measure that is considered useful and proportionate to achieve the purpose of temporary measures;
3. In the case of prohibition of access into the territory of goods as provided under letters “ç” and “d” of point 2 of this article, they are deposited and kept under provisions of special laws or international agreements.
  4. If is possible within, the purpose to take an urgent measure, it is notified in advance, verbally, to the representatives of the subject of inspection giving them the opportunity to submit without delay, appropriate comments and explanations.
  5. The intermediary decision to take an urgent measure is recorded in the inspection minutes and verbally notified without delay to the subject of inspection. A written act with the same content is notified within 24 hours.
  6. The intermediate decision automatically ends within the deadline provided there into, and when a deadline is not provided, it expires upon:
    - a) notification of the reversal;
    - b) notification of termination of proceedings or notification of the final decision that finds no violation of the legal requirements;
    - c) expiration of the deadline for notifying of the final decision of the inspection without such a decision;
    - ç) notification of the decision resolving the appeal against the final decision when it is appealed;
    - d) expiration of the period for the administrative appeal if there was no appeal.
    - dh) Expressed by court decision order;
  7. The intermediate decision is of immediate execution. If not voluntarily executed by the subject of inspection, without delay or it results that he has no intention to execute the decision, the decision is executed from the inspectorate on the costs of the subject of inspection. The cost is reflected in the final decision, or in a special act.
  8. The urgent measures can be taken until the final decision is taken.

9. The interested subject has the right to the separate appeal against the decision for the urgent measure as provided under article 44 of this law.

#### Article 44

##### **Separate appeal**

1. The separate appeal may be submitted within 5 days from the notification of the decision and does not suspend its execution.
2. As a rule, the separate appeal is directly reviewed by the chief inspector of the territorial division. Exceptionally, if the special law provides that the intermediate decision should be issued from the territorial division's chief inspector or a special commission, the appeal is resolved directly by the chief inspector.
3. Except when provided otherwise by the special law, the separate appeal in case of the inspection under the jurisdiction of the local government is resolved directly by the respective local chief inspector.
4. The decision to resolve the separate appeal is taken and notified within 6 days from the appeal presentation.
5. When there is no appeal review or if the competent authority under points 2 and 3 of this article within the time prescribed in point 4 of this Article, this decision maybe appealed separately in court against the decision to resolve the complaint.

#### CHAPTER VI

##### **INSPECTION MINUTES AND THE FINAL DECISION OF INSPECTION**

#### Article 45

##### **Maintenance and notification of the inspection minutes**

1. The inspector who carries out the inspection prepares the inspection minutes (hereinafter referred to as "the minutes"). If there has been more than one Inspector carrying out the inspection on the basis of the authorization, they will compile the minutes together. The minutes of the inspection are prepared in three copies which are signed by the compiler inspector or inspectors.
2. The minutes as a rule are held in place of inspection and notified, without delay, to the subject of inspection by personal delivery. If the outcome of the minutes in the

place of inspection is not possible, it is completed in the Inspectorate offices and notified within 5 days from the date of completion of inspection.

3. The minute contains detailed information about the actions of inspection, its findings and decisions taken during the inspection procedure and accompanied by the check-list during the inspection.
4. The inspection minutes also contains information on the subject of inspection right to submit a written or verbal explanations of his contestations about the facts and circumstances found in the minutes, within a period specified by the inspector, but not less than 8 days from the date of record, for submitting these comments, as well as the organ where these comments should be presented. After this deadline, the final decision can be taken without further hearing of the subject of inspection being necessary. Explanations or contestations of subject of inspection are part of the file.

#### Article 46

##### **Review and the final decision**

1. Except when otherwise provided by the special law, the final inspection decision is taken by the inspector or inspectors that carried out the inspection, within 30 days from the notification of the inspection minutes to the subject of inspection.
2. If the special law provides that the final decision taken by an inspection or other unit, then the compiled minutes as provided under article 45 of this Law shall be forwarded without delay, to this unit or organ, together with the proposal of the inspector. The other organ decides within the period provided in point 1 of this article.
3. If a special law provides that the inspector should review and take a final decision on the spot, at the conclusion of the inspection, the inspector, before making the decision, explains the subject of inspection the violations, if any, and the decision he intends to take, by listening to his explanations or contestations, which are reflected on the minutes. The final decision is reflected on the minutes, which is held and reported as provided under points 1-3 of Article 45 of this Law. Explanation of subject and hearing is not necessary when there is no infringement of legal requirements. Point 4 of Article 45 shall not apply in this case.

## Article 47

### **Termination of proceedings where there are no infringements**

1. When no violations of legal requirements are identified, administrative proceeding of inspection sends with a decision that is reflected in the end of the minutes or by a final decision, after it is reviewed, under article 46 of this Law.
2. In the decision reflected on the minutes or the final decision, there are determined the reasons for termination of the proceeding.
3. The final decision is notified to the subject of inspection, according to points 1 and 2 of this Article.

## Article 48

### **Violation of the legal requirements by the subject of inspection**

1. When a violation of legal requirements, which constitutes an administrative offense, but that is of little importance or for which the special law does not provide appropriate administrative penalty, it shall be subject to inspection "warning". The warning is the main administrative penalty.
2. The subject of inspection can be sentenced with other major administrative punishment, heavier, provided in the special law, when:
  - a) not fully implemented and to determine the ordering deadline stipulated in points 4 of this article;
  - b) repeated violations of legal requirements;
  - c) violation found or its consequences are severe.
3. Along with the main sentence may also be additional penalties, as established by special law. For the same offense it can be sentenced by a major penalty and one or more additional penalties.
4. When necessary, an administrative penalty is associated with ordering the subject to inspection to correct violations and to eliminate their consequences, by setting a reasonable deadline for this purpose. The sentence includes the subject written advice on how to correct the violations that are reflected in the accompanying document.
5. In the case provided for in point 4 of this Article, subject of inspection is required to notify for the correction of the violation within the time specified and, if necessary, submit the evidence to prove this fact. A new inspection can be performed to verify the correction of violations.
6. Non-correction of irregularities within the period specified under point 4 of this article, constitutes, in particular, a main administrative offense and the sentence may be associated with a fulfilling punishment, a fine, amounting from 10 000 to 100 000 ALL.

7. Council of Ministers approves the general regulation of the methodology of determining the administrative penalties in accordance with the principle of proportionality.
8. Any state or local inspectorate drafts setting penalties methodology regulation in its inspection field. The regulation is approved by the responsible Minister for the relevant state inspectorate and local executive organ of the unit to local inspectorates.

#### Article 49

##### **Violation of other legal provisions not under the inspector's jurisdiction**

When the inspector, while carrying out an inspection, has reasonable suspicion of violating legal requirements that are in the competence of other state or local inspectorates, he informs in writing and without delay the Central Inspectorate. Central Inspectorate, upon notice, shall transmit it without delay, to the competent inspectorate.

#### Article 50

##### **Notification of the third parties**

1. If the violations detected during the inspections affect the legal rights or interests of a third person, the inspectorate reports to the third person this fact, the inspection's findings and the measures taken.
2. If the Inspectorate considers necessary, it may order the publication of the final decision or a summary of it.

#### Article 51

##### **Appeal against the final inspection decision**

1. The administrative appeal against the final decisions in the field of inspection are submitted and reviewed under the provisions of the Code of Administrative Procedure.
2. Except as otherwise provided by special law, "The superior organ" in terms of the Administrative Procedure Code, is a unit or collegial appeal unit, particularly established within the State Inspectorate, the dependent organ which is part of the state inspectorate, or local unit relevant and that are independent and part of those officials involved in the appealed decision.
3. Organization of the superior organ, according to point 2 of this Article, for each state inspectors is determined by the Council of Ministers. For inspections in local

government jurisdiction, except as otherwise provided by law, the organization of organ is established by the council of the local government unit concerned.

4. Except as otherwise expressly provided by special law, administrative filing of the appeal suspends the execution of final appeal, but does not affect the execution of urgent measures, taken under Article 43 of this Law.

#### Article 52

#### **The findings and examination of offenses not under the normal activity of Inspection**

1. Except as otherwise provided by special law, state or local inspectorate is responsible for reviewing a determination of administrative violations in the area of his state inspection activity, not under the normal inspection activities, in terms of this law.
2. In the case provided by under point 1 of this Article it shall apply, as amended, the rules laid down in Chapter VI of this law.

#### Article 53

#### **Completion of the provisions of law on the administrative offense**

The provisions of this chapter are completed by the provisions of the law on administrative contravention, unless expressly provided otherwise.

### CHAPTER VII

#### **ADMINISTRATIVE OFFENSES**

#### Article 54

#### **Administrative offenses**

The dissolution of the distinctive signs of stopping or blocking the equipment or installations and any other mark set by the inspectors, and also the prevention of the inspection, if they do not constitute a criminal offense; they constitute an administrative contravention and are punished with fine amount from 10.000 to 100.000 ALL. The right to the infringement finding and screening belongs to the Inspectorate's inspectors who are competent in that type of inspection.

**CHAPTER VIII**  
**TRANSIT AND FINAL PROVISIONS**

Article 55

**Transit provisions**

1. The Council of Ministers shall, within 3 months from the entry into force of this law, to submit proposals for amendments in specific laws that regulate the functions of inspection in the field of application of this law, according to the principles stipulated in this Law for the organization of the organs with functions of inspection and inspection procedures.
2. The Council of Ministers shall within three months from the entry into force of this law, adopt regulations for the reorganization of the bodies with inspection functions under the jurisdiction of the executive power of the central government, according to the principles set forth in this law.
3. Until the reorganization of the bodies according to point 2 of this article, existing organs with inspection functions continue to operate according to their organization before the entry into force of this law.

Article 56

**By laws**

1. The Council of Ministers is in charge to adopt by-laws provided for in point 1 and 2 of Article 11, point 3 of Article 12, point 2 of Article 15, point 5 of Article 16, point 3 of Article 21, point 2 of Article 26, point 7 of Article 38, point 7 of Article 48 and point 3 of Article 51 of this law.
2. The responsible Minister and respectively the executive of each local unit are in charge to adopt the regulations provided for in point 8 of Article 48 of this Law.

Article 57

**Beginning of the effects**

1. Chapters I to III and VIII of this chapter are applicable law immediately upon entry into force of this law.
2. Chapters IV to VII are applicable starting from 1.1.2012.

Article 58

**Entry into force**

This law enters into force 15 days after publication in the Official Gazette.

**Declared by Decree nr.7035, dated 29.06.2011 of the President of the Republic of Albania**

**Bamir Topi**

K R Y E T A R E

**Jozefina Topalli (Çoba)**