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DECISION

No. 431, dated 11.7.2018

ON THE CREATION, ORGANIZATION AND FUNCTIONING OF THE NATIONAL AGENCY OF WATER SUPPLY, SEWERAGE, AND WASTE INFRASTRUCTURE

Pursuant to Article 100 of the Constitution, Article 10, Law No. 9000, dated 30.1.2003 "On the organization and functioning of the Council of Ministers", Article 6 of Law No. 90, dated 27.9.2012, "On the organization and functioning of the state administration", and upon the proposal of the Minister of Infrastructure and Energy, the Council of Ministers

DECIDED:

1. To establish a National Agency for Water Supply, Sewerage, and Waste Infrastructure (NAWW).
2. NAWW shall be a state-budget public legal entity under the minister responsible for infrastructure (the Minister).
3. NAWW is a state entity specialized in the area of water supply and sewerage, wastewater and waste treatment, in compliance with the competences defined in this decision. NAWW shall provide technical support to the policies of the responsible ministry for infrastructure, in compliance with the legislation and the policies set out in sectorial strategies. The responsibility of the NAWW in the area of urban waste shall be related with territorial planning and waste infrastructure, according to the area of responsibility of the responsible ministry for infrastructure, established by the Decision of Council of Ministers no. 504/2017.
4. NAWW shall have its own official emblem, logo and stamp. The logo of the AKUM-it shall consist of the emblem of the Republic of Albania, reading: "Republic of Albania, Ministry of Infrastructure and Energy, National Agency for Water Supply and Sewerage and Waste Infrastructure", in accordance with the definitions of decision no. 474, dated 10.7.2003, of the Council of Ministers, "On the use of the coat of arms of the Republic, and its proportions", as amended.
5. The stamp of the NAWW shall have the form and the elements set out in the decision of the Council of Ministers on the rules for the production, administration, control and storage of official stamps. The stamp shall be produced, administered, and stored in accordance with the legislation in force.
6. The NAWW shall have the status of a national agency at the central level, based in Tirana.
7. The NAWW shall be led by its Director General, who shall organize and lead the entire activity of this agency and shall be responsible to the Minister. The Director General shall be supported in his activities by a Deputy Director General.
8. The Director General shall be appointed by the Minister responsible for infrastructure matters. The Deputy Director General shall be appointed by the Minister, upon a proposal of the Director General. The work relations of the Director General, Deputy Director General, officers,

and employees, who implement projects with foreign funding, as well as other employees, are regulated under the provisions of the Labor Code.

9. The structure and organigram of the NAWW shall be approved by the Prime Minister order, according to the provisions of the legislation applicable to the organization and functioning of the state administration. The NAWW regulation on internal work methods and staff manner shall be approved by the Minister, upon a proposal of the Agency Director General.

10. The mission of the NAWW is to carry out specific state policies in the water supply and sewerage sector, treatment of waste waters, territorial planning, and waste infrastructure according to point 3 of this decision until the water supply and sewerage utilities and the waste infrastructure management enterprises are capable of performing these functions.

11. The NAWW shall exercise its activity in these areas of state responsibility until the water supply and sewerage utilities are capable of performing the following functions:

- a) Water supply and sewerage and urban wastewater treatment;
- b) Urban waste, in relation to territorial planning, waste infrastructure and its implementation, according to point 3 of this decision.

12. The NAWW, through its legal and technical authority, shall coordinate and monitor all the sectorial activities concerning water supply and sewerage, wastewater treatment, territorial planning and waste infrastructure, in cooperation with all the central and local institutions in the country. The NAWW shall technically support the implementation of policies and strategies in the field of water supply and sewerage, wastewater treatment, territorial planning and waste infrastructure.

13. The NAWW shall exercise the following specific competencies:

- a) Propose amendments and improvement to the primary and secondary legislation on the water supply and sewerage sector, wastewater treatment, territorial planning and waste infrastructure, and shall take part in drafting their national policies and strategies;
- b) Monitor the implementation of the sectorial strategies of water supply and sewage, wastewater treatment, territorial planning and waste infrastructure and implementation;
- c) Prepare need assessments for investments in construction/rehabilitation/expansion of water supply and sewerage systems, wastewater treatment plants (WWTP), including even territorial planning and waste infrastructure, as well as their implementation, based on the Government programs and national sectorial master plans;
- ç) Guides the technical and managerial aspects, and cooperates water supply and sewerage projects, WWTPs, territorial planning and waste infrastructure, financed by the state budget, the municipality budget, and "Water supply and Sewerage Utilities", or any other international financial institutions, in order to ensure compliance with the technical rules regarding their design, implementation, use, and monitor their performance;
- d) Coordinate, promote, and cooperate with state institutions, international financial institutions, investors and other parties interested in the implementation of the sectorial strategies for water supply and sewerage, wastewater treatment plants, territorial planning and waste infrastructure;

dh) Prepare the methodology and carries out the distribution of subsidies planned in the state budget in the water supply and sewerage sector in accordance with the applicable primary and secondary legislation;

e) It is the institution responsible for developing and ensuring the application of procedures for monitoring water supply services, sewerage, wastewater treatment plants and waste infrastructure programs;

ë) Has the right to exercise inspections of a technical character in every water supply and sewerage service provider, wastewater treatment plants and waste infrastructure;

f) Propose indicators and criteria to be complied with by each service provider in the water supply and sewerage sector, and their contract signed by the parties. Such criteria shall be approved by an instruction of the minister responsible for water supply, sewerage, and waste matters;

g) Support policy makers in drafting and implementing sub-legal acts and procedures for the process of transferring the management of water supply services, sewerage, and wastewater treatment from the local government to the central government, in cases of non-compliance with the contractual obligations under the performance contract signed by the parties;

gj) Assess training needs and coordinate the work for meeting them;

h) Manage and monitor the implementation of the national water supply and sewerage master plan and create and manage a national GIS-based (Geographical Information System) platform for water supply and sewerage assets;

i) It is the institution responsible for the implementation of the national master plan regarding territorial planning and urban waste infrastructure;

j) Exercise any other rights provided for under the primary and secondary legislation;

k) Serve as a coordinator and assistance provider to the central Government, when required, as well as to the local government units in case of initiatives regarding water supply and sewerage, wastewater treatment, territorial planning, waste infrastructure, and offers advice in developing projects in these areas. The NAWW assistance in the field of territorial planning and waste infrastructure of the waste shall be provided, among others, and without being limited to, transfer centers, investments in the incineration plants, identification of (urban and solid) waste disposal sites, landfills, wastewater recycling, composting, and treatment plants, gas treatment plants, rehabilitation and closure of existing waste disposal sites, etc.;

l) Has the right to be part of the mutual shareholders competencies, according to the definitions of Local Self-Governance Law.

14. Upon entrance of this decision into force, the National Water Supply and Sewerage Agency (NAWS) shall be restructured into the National Agency for Water Supply and Sewerage and Waste Infrastructure. The NAWS shall continue to exercise all its rights, obligations and functions until NAWW starts to operate. The current civil servants of the National Agency for Water Supply and Sewerage shall be subject to the provisions set out in the legislation for civil servants in case of an institution being closed or restructured. The administrative employees shall be subject to the provisions of the Labor Code.

15. The financial effects arising from the implementation of this decision shall be borne by the state budget, through the Ministry of Infrastructure and Energy.

16. Decision No. 504, dated 6.7.2016, of the Council of Ministers, "On the establishment of the National Agency of Water Supply and Sewerage", as amended, shall be abrogated.

17. The Ministry of Infrastructure and Energy and the National Agency for Water Supply and Sewerage shall be responsible for the execution of this decision.

This decision enters into force upon its publication on the Official Journal.

DEPUTY PRIME MINISTER

Senida Mesi